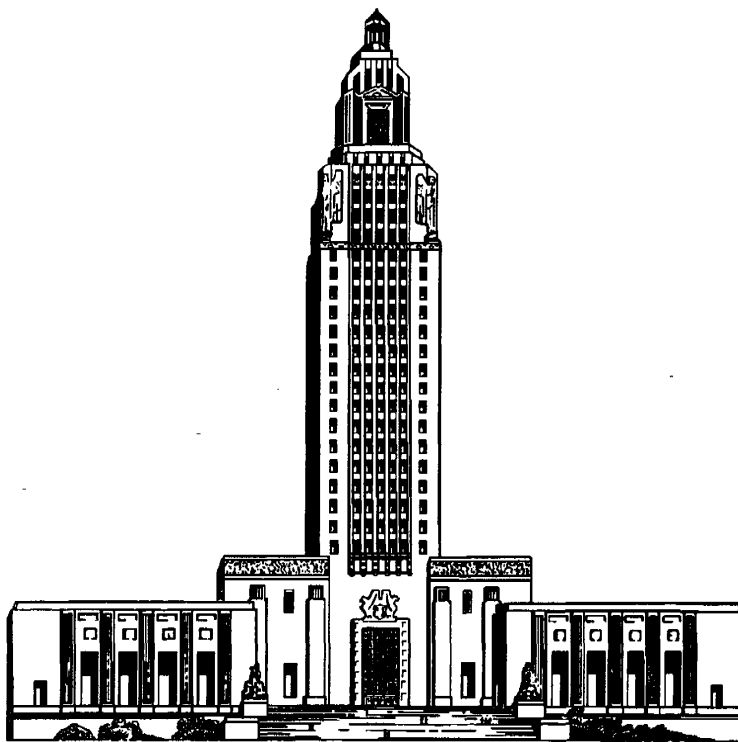


HIGHLIGHTS

**of the
2010 Regular Session
of the
Louisiana Legislature**



**Prepared by:
House Legislative Services
June, 2010**

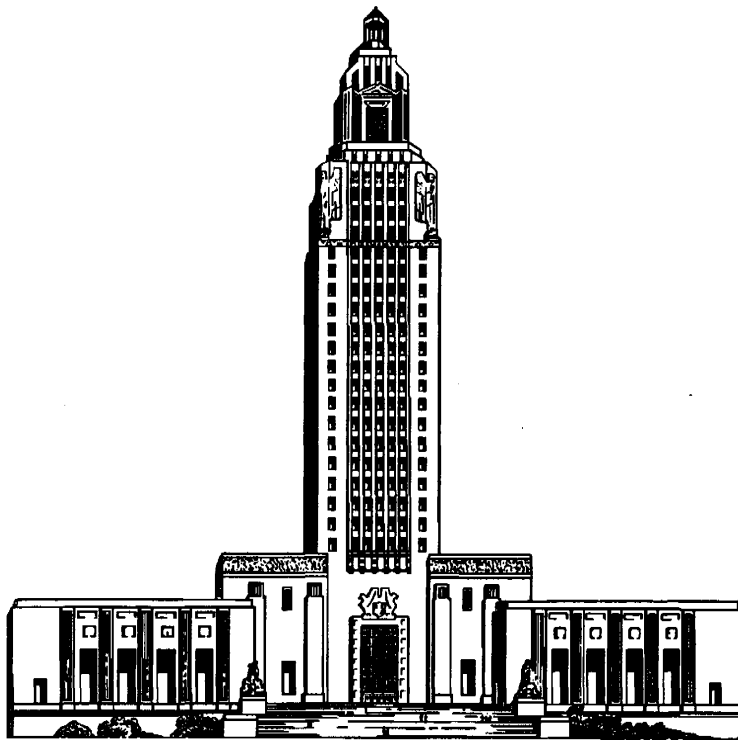
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This public document was published by the Louisiana House of Representatives at a total cost of \$117.42. 140 copies were printed by House Legislative Services, P. O. Box 44486, Baton Rouge, Louisiana 70804, to provide a summary of Highlights from the 2010 Regular Session. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31.

HIGHLIGHTS

**of the
2010 Regular Session
of the
Louisiana Legislature**



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June, 2010**

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ADMINISTRATION OF CRIMINAL JUSTICE

CONTROLLED DANGEROUS SUBSTANCES

HB 173 by Templet *(Last Action – Sent to Governor)*

Creates the crime of unlawful production, manufacturing, distribution, or possession of a material, compound, mixture, or preparation which contains a prohibited plant and adds synthetic cannabinoids to hallucinogenic substances in Schedule I.

CRIMES AND CRIMINAL PROCEDURE

HB 510 by Baldone *(Last Action – Senate Calendar)*

Would have amended provisions of the following criminal offenses to prohibit driving when the offender is under the influence of a drug or drugs: vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring, and operating a vehicle while intoxicated. Would have defined the term "drug" as any substance, legal or illegal, which when taken into the human body impairs the mental or physical ability of a person to operate a vehicle safely. Such substances would have included but would not be limited to plants, synthetic drugs, and over-the-counter medications.

HB 554 by Danahay *(Last Action – Sent to Governor)*

Provides that any defendant who has been arrested for domestic abuse battery shall not be released on his own recognizance.

HB 555 by R. Jones *(Last Action – Sent to Governor)*

Creates a uniform system of gradations for types of theft and certain other crimes providing for misappropriation without violence and provides for penalties based on those gradations.

Adopts the following gradation scale for the crimes of theft of animals, crawfish, goods, an alligator, used building components, assets of an aged or disabled person, a motor vehicle, cheating and swindling, unauthorized use of food stamps, illegal possession of stolen things, unlawful acts regarding receipts and universal product code labels, refund or access device application fraud, access device fraud, and issuing worthless checks:

- (1) The misappropriation or taking amounts to a value of \$1,500 or more.
- (2) The misappropriation or taking amounts to a value of \$500 or more, but less than a value of \$1,500.

Administration of Criminal Justice

(3) The misappropriation or taking amounts to less than a value of \$500.

HB 927 by Gallot *(Last Action – Sent to Governor)*

Provides that any person who has been convicted for the violation of a municipal or parish ordinance, traffic ordinance, or for a violation of a state statute which is classified as a misdemeanor may make a written motion to the district, parish, or city court in which the violation was prosecuted or to the district court located in the parish in which he was arrested, for expungement of the arrest record if five or more years has elapsed between the date of the motion and the successful completion of any sentence, deferred adjudication, or period of probation or parole.

Provides that an expungement shall occur only once with respect to any person during a five-year period, except for the misdemeanor offense of operating a vehicle while intoxicated which may occur only once with respect to any person during a 10-year period. No person shall be entitled to an expungement if the misdemeanor conviction arose from circumstances involving a sexual act or act of domestic violence.

HB 940 by Montoucet *(Last Action – Sent to Governor)*

A constitutional amendment which permits criminal defendants, except in capital cases, to waive their right to a trial by jury no later than 45 days prior to the trial date. Provides that the waiver shall be irrevocable.

HB 1259 by Burrell *(Last Action – Sent to Governor)*

Creates the crime of cyberbullying. Provides that cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of 18. Provides penalties including a fine of not more than \$500, imprisonment for not more than six months, or both. When the offender is under the age of 17, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code (FINS).

PAROLE AND PROBATION

HB 35 by P. Smith *(Last Action – Failed to Pass/Senate)*

Would have provided for parole consideration for those inmates who have served ten years in prison, have reached the age of sixty-five years, and have met certain conditions. There was an exception for sex offenders and offenders who have been convicted of a crime of violence.

Administration of Criminal Justice

HB 194 by Patricia Smith *(Last Action – Failed to Pass/Senate)*

Would have changed the length of sentence a person convicted of a crime of violence and not otherwise ineligible for parole shall serve prior to being eligible for parole consideration from 85% of the sentence imposed to 75% of the sentence imposed.

HB 195 by Mills *(Last Action – Sent to Governor)*

Provides that the Board of Parole may grant parole with two votes of a three- member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:

- (1) The offender has not been convicted of a crime of violence or a sex offense or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed the mandatory minimum of 100 hours of pre-release programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.

SEX OFFENSES

HB 290 by Talbot *(Last Action – Sent to Governor)*

Substantially redefines the crime of pornography involving juveniles organizing it into three types of prohibited actions: the production, distribution, or possession of pornography involving juveniles. Further provides for increased penalties.

Administration of Criminal Justice

HB 1357 by Baldone *(Last Action – Sent to Governor)*

Creates the crime of "sexting" which prohibits a person under the age of seventeen from knowingly and voluntarily transmitting an indecent visual depiction of himself to another and prohibits a person under the age of seventeen from knowingly possessing or transmitting such images.

HB 1436 by Norton *(Last Action – Sent to Governor)*

Upon receiving notification from the superintendent that a sex offender lives within the school district, requires the principal of the school to post notices in conspicuous areas at the school which contain a photograph of the sex offender.

JUVENILES

HB 1477 by Baldone *(Last Action – Sent to Governor)*

Creates the Task Force on Juvenile Detention Standards and Licensing and directs the Department of Social Services, with the input and guidance of the Task Force on Juvenile Detention Standards and Licensing, to develop and promulgate rules governing the licensing of juvenile detention facilities on or before January 1, 2012.

AGRICULTURE, FORESTRY, AQUACULTURE, AND RURAL DEVELOPMENT

HB 430 by Pugh *(Last Action – Act No. 40)*

Requires farm of origin labeling on containers or packages of strawberries offered for sale. Provides for a stamp or label to be affixed to the container or package pursuant to rules and regulations set forth by the Louisiana Strawberry marketing Board.

HB 576 by Mills *(Last Action – Act No. 108)*

Authorizes local governing authorities to adopt ordinances regulating dogs running at large, regulating or prohibiting dangerous dogs, limit ordinance enforcement, or imposition of fees and fines. Provides for the disposition of proceeds.

Also authorizes local governing authorities to set fees and fines in sufficient amounts for the operation of its animal control program or for the effective enforcement of its ordinances. Provides that those local governing authorities choosing not to adopt ordinances shall rely on the provisions of *present law*.

HB 840 by Simon *(Last Action – Act No. 388)*

Establishes the Louisiana Sustainable Local Food Policy Council within the Department of Agriculture and Forestry for the purpose of building a sustainable local food economy that will create jobs, stimulate economic development, protect the environment and preserve open spaces, increase consumer access to fresh and nutritious foods, and provide greater food security.

APPROPRIATIONS

HB 1 by Fannin *(Last Action – Enrolled)*

The General Appropriation Bill (GAB) totals \$26.9 billion, of which \$7.1 billion is State General Fund (Direct), and \$11.5 billion is Federal Funds. SGF decreased \$515 million and Federal Funds decreased \$3.6 billion when compared to the FY 09-10 Existing Operating Budget as of December 1, 2009. Overall, FY 10-11 Total GAB funding is \$2.6 billion less than FY 09-10. Included in the GAB are \$1.5 billion in Federal stimulus funding appropriated by Congress when it passed the American Recovery and Reinvestment Act of 2009. The GAB also appropriates \$3.5 billion in Statutory Dedications, which is an increase of \$1 billion compared to FY 09-10.

The following is a summary of major funding items in various areas of the state budget.

GENERAL GOVERNMENT

Federal funding from the American Recovery and Reinvestment Act to the Division of Administration's Community Development Block Grant Program as receipt of US Dept. of Education State Fiscal Stabilization Fund for allocation to Higher Education and Elected Officials	\$	355 million
Additional federal funding to Coastal Protection and Restoration for coastal restoration projects	\$	66 million
Additional funding to Coastal Protection and Restoration from the Oil Spill Contingency Fund for the Barrier Island Project	\$	360 million
Additional funding in the Military Department for disabled and survivor benefits for active duty National Guardsmen	\$	1.5 million
Additional funding in the Military Department for the reopening of Jackson Barracks	\$	1.4 million
Additional federal funding in the Military Department for the Youth Challenge Program to provide for an additional 350 students	\$	6.1 million
Additional federal funding in the Military Department to establish a web-based National Youth Challenge Data Center which will collect and report information on the 33 Youth Challenge state programs throughout the U.S.	\$	1 million
Additional funding in the LA Public Defender Board for district representation of indigent persons charged with misdemeanors, felonies, and capital crimes	\$	4.2 million
Additional funding to the Office of Elderly Affairs through various line-item amendments for parish councils on aging and senior centers	\$	1.5 million
Additional federal funding to the Office of Elderly Affairs to be distributed to Councils on Aging to increase services for		

Appropriations

the elderly	\$	657,000
Provides federal funding for the War Veterans' Home in Jackson, La for increased operating services and supplies related to the new 4 th wing	\$	116,247
Provides federal funding for the War Veterans' Home in Jackson, La for salaries and related benefits to staff new 4 th wing	\$	347,104
The facilitation of three congressional elections and two municipal elections and related election costs through the Department of State	\$	11.8 million
Provides funding for the Boll Weevil Eradication program in Agriculture & Forestry	\$	3.6 million
Provides funding for various Agriculture & Forestry programmatic expenditures such as supplies, operating services and acquisitions	\$	3.1 million
Additional federal funding from the USDA Federal Emergency Food Assistance Program for local area food banks state-wide through Agriculture & Forestry	\$	691,142
Increase funding from the American recovery & Reinvestment Act to accelerate broadband deployment in under served and rural areas state-wide in CRT	\$	2.4 million
Funding provided for operational activities for the new Stay-n-Play Lodge at the Black Bear Golf Club in CRT	\$	301,184
Funding provided from Red River Waterway Commission in partnership with CRT to operate Fort Randolph/Buhlow State Historic Site	\$	159,698
Funding provided for Decentralized Arts in CRT	\$	815,000
Funding provided for Statewide Arts in CRT	\$	250,000
Allocation provided for the rights fee for the 2011 Bassmaster Classic through CRT	\$	500,000
Allocation provided by a grant to the Louisiana Endowment for the Humanities through CRT	\$	400,000
Allocation provided by a grant to the Louisiana Educational Television Authority through CRT	\$	1 million
Funding from the Oil Spill Contingency Fund to the Office of Attorney General for litigation expenses related to the Deepwater Horizon Event	\$	25 million
Federal funding to the Attorney General for Orleans Parish Post-conviction DNA Testing Project	\$	902,806
Funding to the Attorney General out of the Tobacco Settlement Enforcement Fund for arbitration proceedings concerning payments from the Tobacco Master Settlement Agreement	\$	950,000
Funding for judgments	\$	19.7 million
Additional funding for supplemental pay to law enforcement personnel	\$	19.4 million

Appropriations

ECONOMIC DEVELOPMENT

Funding for the Governor's Economic Development Rapid Response Program	\$	15.0 million
Funding for the Louisiana Economic Development Regional Award and Matching Grant Program (Tier 1)	\$	1.7 million
Funding for advertising, promotion, and marketing related services	\$	5.2 million
Funding for state economic competitiveness benchmarking, planning, and research initiatives	\$	1.7 million
Additional funding for the Louisiana FastStart program to provide training related to V-Vehicle Company)	\$	2.0 million

PUBLIC SAFETY AND CORRECTIONS

Public Safety Services

Total Funding	\$	648 million
Funding to Louisiana State Police for payments to local law enforcement for operation of 5 full-function remote sites for automated fingerprint information systems	\$	1.6 million
Additional funding to Louisiana State Police for operation of the criminal records section	\$	2.4 million
Additional budget authority to the Louisiana State Police out of the Natural Resources Damage Assessment Fund to be used to determine the scale of damage and loss to the public from the Deepwater Horizon event	\$	50 million
Additional budget authority to the Louisiana State Police out of the Oil Spill Contingency Fund to provide funding for state agencies for assessment and restoration efforts required by the Deepwater Horizon event	\$	244.8 million

Corrections Services

Total Funding	\$	506 million
Local Housing of Adult State Inmates	\$	158 million
Adult Work Release Program	\$	20 million
Local Reentry Services	\$	2.3 million
Additional funding to Dixon Correctional Center for increased dialysis needs	\$	600,000

Youth Services

Total Funding	\$	152 million
Local Housing of Juvenile Offenders	\$	6.7 million

Appropriations

Additional funding to provide for transition from the traditional adult correctional/custodial model to a therapeutic child-centered environment	\$	10 million
Additional funding to Swanson Correctional Center for Youth for costs associated with the new Columbia Community Residential Center, which will house 48 youths transferred from Swanson	\$	2 million

HEALTH AND HOSPITALS

Medicaid

Total Funding	\$	6.8 billion
Major adjustments include:		
Funding to make supplemental Medicaid payments for both inpatient and outpatient services using the upper payment limit methodology to private and non-state, non-rural hospitals that may enter into Low Income and Needy Care Collaborative agreements	\$	366 million
Funding for the rebasing of Medicaid reimbursement rates for nursing home services	\$	152 million
Funding for the LSU Health Care Services Division to offset loss of disproportionate share hospital (DSH) dollars as a result of the new DSH Audit Rule	\$	131 million
Funding to make the final two settlement payments on the nursing home disallowance	\$	62 million
Funding for the Our Lady of the Lake/Earl K. Long collaborative agreement	\$	52 million
Funding for the Medicare Savings Program due to both an increase in enrollment and premium costs	\$	41 million
Funding for Medicare Coordinated Care initiatives	\$	39 million
Funding for rural hospitals to offset the loss of DSH dollars as a result of the new DSH Audit Rule	\$	29 million
Funding to enhance community-based mental health services as an alternative to the loss of DSH dollars for inpatient mental health services	\$	22 million
Funding for increases in Medicare Part D (Prescription Drug Plan) clawback payments	\$	19 million
Funding for multi systemic therapy as a mental health rehabilitation service	\$	9 million
Funding to convert 138 mental health civil beds to privatized secure forensic beds and funding for 118 new therapeutic residential beds to be located throughout the state	\$	7 million
Funding for Assertive Community Teams and Forensic Assertive Community Teams in the mental health		

Appropriations

community based setting	\$	6 million
Funding for the Program for All-Inclusive Care (PACE)	\$	6 million
Funding for 150 New Opportunities waiver slots	\$	4 million
Funding for the Access to Recovery Program to offset the loss of federal dollars	\$	2 million
Funding for 425 new Children's Choice waiver slots	\$	2 million

Aging and Adult Services

Total Funding	\$	54 million
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Public Health

Total Funding	\$	341 million
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Behavioral Health

Total Funding	\$	369 million
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Developmental Disabilities

Total Funding	\$	266 million
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Other Behavioral Health and Developmental Disabilities

Districts and Authorities		
Total Funding	\$	112 million

SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives		
Funding for FY 09-10	\$	114.0 million
Funding for FY 10-11*	\$	133.5 million

FY 10-11 TANF Initiatives:		
NonPublic Pre-K	\$	7.5 million
Jobs for America's Graduates (JAGS)	\$	4.0 million
Microenterprise Development	\$	510,000
Domestic Violence	\$	3.7 million
Individual Development Accounts	\$	1.3 million
CASA	\$	4.7 million
Drug Courts	\$	6.0 million
CPI/Family Services	\$	24.0 million
Nurse Family Partnership	\$	3.7 million
Homeless Initiative	\$	850,000
Non-medical substance abuse assessment	\$	4.1 million
LA 4*	\$	67.6 million
Early Childhood Supports	\$	5.6 million
TOTAL	\$	133.5 million

Appropriations

Funding for Behavioral Health	\$ 7.8 million
Funding from the American Recovery and Reinvestment Act of 2009	\$ 79.3 million
Funding for the Modernization Project	\$ 35.0 million
Funding from the Child Care Development Block Grant Fund	\$ 138.0 million

*\$32.5 million in Emergency TANF funding is provided for LA 4 in FY 10-11.

NATURAL RESOURCES

Funding to the Department of Natural Resources State Energy Program from the American Recovery and Reinvestment Act of 2009 to provide for activities related to promote efficient use of natural resources and energy. Louisiana will use the funds for energy efficiency upgrades to buildings on college and university campuses	\$ 42.7 million
Continued funding to Wildlife and Fisheries for aquatic weed control	\$ 7.9 million
Additional federal funds to Wildlife and Fisheries from the U.S. Coast Guard for monitoring efforts on state waterways	\$ 1.0 million
Additional funding to Wildlife and Fisheries from the Artificial Reef Development Fund for the wild seafood certification program	\$ 880,000
Additional federal funding to Wildlife and Fisheries for the department's hunter education program	\$ 687,000
Additional funding to Wildlife and Fisheries from the Crab Promotion and Marketing Account for certification of the Louisiana blue crab fishery, studies for the certification, and monitoring by biologists	\$ 100,000

TRANSPORTATION AND DEVELOPMENT

Funding to the District Operations Program for operation and maintenance of the state's highway system	\$ 349.1 million
Funding for contract maintenance to provide for mowing, litter abatement, traffic signal maintenance and installation, rest area security, guardrail maintenance, and highway striping	\$ 31.4 million
Funding for heavy equipment replacements in the District Operations Program utilized for highway maintenance	\$ 18.7 million
Funding for the Parish Road Program, allocation is based on parish population counts up to \$34 million and the balance is allocated based on parish road miles	\$ 38.4 million
Funding for the Mass Transit Program, allocation is based on population and passenger counts	\$ 5.0 million

Appropriations

Funding for the Enterprise Resource Planning (ERP) project, DOTD will be the first department to go live with the new state-wide system	\$ 7.8 million
Funding for Motorist Assistance Patrols for highway assistance and clearing traffic congestion	\$ 2.9 million

HIGHER EDUCATION

Higher Education Total State General Fund	\$ 1.1 billion
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The Legislature appropriated \$289 million in American Recovery and Reinvestment Act of 2009 Stimulus funds for Higher Education, an increase of \$100 million over FY 09-10, and approved a Means of Finance substitution of \$100 million in State General Fund. Overall, Higher Education was appropriated \$2.9 billion from all means of finance, which is a \$126 million reduction compared to FY 09-10.

The higher education management boards were reduced a total \$23 million SGF for FY 10-11. Some of the higher education enhancements include \$800,000 for the University of Louisiana at Monroe to maintain its School of Pharmacy accreditation and \$526,800 for the LSU Health Sciences Center in New Orleans from Tobacco Tax Health Fund Proceeds for cancer research. The LSU HSC-NO also received \$359,000 for smoking prevention programs. The LSU HSC-Shreveport received \$344,695 from Tobacco Tax Health Fund Proceeds for cancer research, as well.

Taylor Opportunity Program for Students (TOPS)

TOPS is appropriated \$119 million SGF and \$15 million TOPS Fund for approximately 43,341 awards	\$ 134.0 million
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GO GRANTS

GO Grants are appropriated \$26 million for approximately 20,000 awards	\$ 26.0 million
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Early Start (Dual Enrollment)

Early Start is appropriated 5.5 million for approximately 12,000 awards	\$ 5.5 million
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ELEMENTARY AND SECONDARY EDUCATION

Minimum Foundation Program	\$ 3.3 billion
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Appropriations

The Legislature approved HCR No. 243 as the FY 10-11 MFP and appropriated \$3.3 billion – \$3.1 billion SGF and \$249 million Statutory Dedicated Funds.

The FY 10-11 MFP – HCR No. 243 – has new features when compared to the FY 09-10 MFP. For example, the resolution contains \$43.9 million for student increases and local revenue adjustments to district's wealth. The new MFP also contains \$3 million for the additional students being served at the three schools operated by the Office of Juvenile Justice (OJJ) located at the secure care facilities at Jetson, Bridge City and Swanson. Also new to the MFP are October and February Mid-year Adjustments that will include decreases as well as increases in student counts. In addition, other elements of the FY 10-11 MFP are:

- 1) Base Per Pupil Amount of \$3,855 remains unchanged from FY 09-10
- 2) At-Risk Weight of 22% remains unchanged from FY 09-10
- 3) Career and Technical Weight of 6% (previously the Voc Ed Weight) remains unchanged from FY 09-10
- 4) Increase in Level 2 State Support to 34% of Level 1 Costs remains unchanged from FY 09-10
- 5) Stipends for Foreign Associate Teachers remain unchanged from FY 09-10
- 6) \$100 Mandated Costs Per Pupil Funding remains unchanged from FY 09-10

ARRA Federal Stimulus Funds for Title 1 and Individuals with Disabilities Education Act

These funds will be allocated to school systems in FY 10-11 \$ 316.0 million

LA4

The LA4 Early Childhood Program is appropriated \$74 million
and currently serves up to 16,000 four-year olds \$ 74.0 million

APPROPRIATION BILLS

HB 76 by Fannin - Ancillary Appropriations *(Last Action – Sent to Governor)*

Provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as auxiliary funds, internal service funds, or enterprise funds for working capital for certain state institutions, officials, and agencies. Includes the Office of Group Benefits and Office of Risk Management. Appropriates total funding of \$1.7 billion as follows: \$294 million through Interagency Transfers, \$1.2 billion from Fees and Self-Generated Revenues, and \$231 million from Statutory Dedications.

Provides for additional appropriations of \$38.3 million out of the Overcollections Fund to supplement HB 1 and of \$60 million out of the Oil Spill Contingency Fund for coastal protection activities related to the Deepwater Horizon Event and an \$8 million reduction in State General Fund (Direct).

Appropriations

HB 1417 by Tucker - Legislative Expenses *(Last Action – Sent to Governor)*

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$67,383,123 from the state general fund for FY 2010-11 including the following:

House of Representatives	\$ 27,607,568
Senate	\$ 18,841,703
Auditor	\$ 9,314,823
Legislative Fiscal Office	\$ 2,435,877
Louisiana State Law Institute	\$ 1,033,509
Legislative Budgetary Control Council	<u>\$ 8,149,643</u>
Total state general fund	\$ 67,383,123

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides that one-half of the balance on June 30, 2010 of the Legislative Capitol Technology Enhancement Fund is appropriated to the Legislative Budgetary Control Council.

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund and appropriates \$21,419,566 from the fund, which is authorized to be used for expenses of the auditor's office.

Retains provisions allowing legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on December 1, 2007.

Provides that for FY 2010-11 the per diem and salaries of members and officers of the legislature shall not increase over the rate on June 30, 2010. Further provides that the monthly allotment during FY 2010-11 available to a member of the legislature to employ one or more legislative assistants shall not exceed the monthly amount available to each member on June 30, 2010 and that no legislative employee shall be eligible for or granted a merit increase during FY 2010-11.

HB 1386 by Fannin - Judicial Expense Act *(Last Action – Sent to Governor)*

Appropriates funds for FY 2010-2011 for the ordinary operating expenses of the judicial branch of government with total funding of \$154,368,338 from the following sources: \$134,362,434 out of the State General Fund (Direct); \$10,670,000 through interagency transfers from the Dept. of Social Services; and, \$9,335,904 from statutory dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patients' Compensation Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows, subject to the reduction provided for below:

(1) Louisiana Supreme Court	\$73,851,273
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Appropriations

(2)	Courts of Appeal	\$43,300,696
(3)	District Courts	\$34,615,532
(4)	Criminal Court, Parish of Orleans	\$5,633,759
(5)	Juvenile and Family Courts	\$2,342,586
(6)	Other Courts (Required by Statute)	\$2,801,870
(7)	Other Courts (Not Required by Statute)	<u>\$673,386</u>
	TOTAL	<u>\$163,219,102</u>

Provides that the appropriations out of the State General Fund (Direct) contained in this Act shall be reduced by a total amount of \$8,850,764 pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

HB 1358 by Fannin - Supplemental Appropriations *(Last Action – Sent to Governor)*

Provides for net changes in general and ancillary appropriations for Fiscal Year 2009-2010 as follows:

State General Fund (Direct) decrease of \$186,464,726
Interagency Transfers increase of \$56,529,547
Fees and Self-generated Revenues increase of \$26,155,490
Statutory Dedications increase of \$67,881,342
Federal Funds increase of \$258,546,447

Reduces legislative expenses by \$1.3 million (\$800K for House; \$500K for Senate)

Reduces State General Fund expenditure authority by \$68 million due to savings realized by hiring and spending freezes pursuant to executive order.

State General Fund (Direct) decrease of \$4,547,004
Fees and Self-generated Revenues increase of \$4,677,147
Statutory Dedications decrease of \$1,714,480

Adds supplementary budget recommendations contingent upon appropriations from the Budget Stabilization Fund of \$198,396,069 for decreases in the official forecast as adopted April 14, 2010, and for any further reductions or the possible elimination of any state general fund deficit that may occur before the end of FY 09/10.

SPECIAL FUNDS

HB 787 by Fannin *(Last Action – Sent to Governor)*

Provided with respect to the use, deposit, and transfer of monies in a variety of special treasury funds. The Louisiana Filmmakers Grant Fund is established as a special treasury fund and Louisiana Filmmakers Grant Program is created within the Dept. of Economic

Appropriations

Development to support Louisiana's independent filmmakers. Authorizes the Mega-Project Development Fund to be used for general purposes.

Makes certain provisions for the use of Oil Spill Contingency Fund monies, the balance in the fund, and the cap on fees into the fund during an emergency or declared disaster. Changes the definition of net revenues for purposes of determining the Budget Stabilization Fund cap from federal disaster recovery money to disaster recovery money.

Requires notification of legislators of Rapid Response Fund and Mega-Project Development Fund monies. Requires the Dept. of Economic Development secretary, at the same time the secretary submits official notice regarding active negotiations for an economic development project eligible for funding, which negotiations the secretary wishes to keep confidential, to notify, upon request of the legislator in whose legislative district a project is located, information regarding the project if the member signs under oath that all information shall remain confidential and privileged.

Provides for Eli Lilly settlement collections (\$17 million estimated) to be deposited into the Overcollections Fund.

Transfers roughly \$20 million from various statutory dedications into the state general fund for FY 09/10.

Transfers \$4 million from the State General Fund to the Health Care Redesign Fund.

Revises the distribution of monies from the Louisiana Tax Delinquency Amnesty Act (Act 519 of 2009). Provides for additional deposit of monies into the Coastal Protection and Restoration Fund. Transfers \$115 million in state general fund previously appropriated to the highway program to the Coastal Protection and Restoration Fund.

\$242 million transferred from Coastal Protection and Restoration Fund to Overcollections in FY 09/10.

\$76 million transferred from the FY 09 year-end surplus to the Coastal Protection and Restoration Fund.

\$76 million transferred from the Coastal Protection and Restoration Fund into the Overcollections Fund for FY 10/11.

Transfers \$67 million from the State Emergency Response Fund (SERF) into the Overcollections Fund.

Transfers \$63 million from the SERF into state general fund for FY 09/10.

Appropriations

SB 471 by Michot *(Last Action – Sent to Governor)*

The constitution sets a cap on the Oil Spill Contingency Fund of \$30 million "except as otherwise provided by law." Provides for lifting the \$30 million cap, lifting a limitation on the amount of certain fees collected, and lifting the limitation on the amount spent by the oil spill coordinator for administrative expenses in the event of a declared disaster or emergency.

SB 434/ SB 410 by Chaisson *(Last Action –House Committee)*

Constitutional amendment and companion statutory legislation which would have decreased deposits into the Millennium Trust of monies received as a result of the Master Settlement Agreement in the tobacco litigation, from 75% to 25% beginning Fiscal Year 2010-2011 and each fiscal year thereafter. The Millennium Trust is a special permanent trust, into which is deposited certain monies received as a result of the Master Settlement Agreement in the tobacco litigation, dividend and interest income and all realized capital gains on investment of monies in the Millennium Trust.

DEFICIT ELIMINATION MEASURES

SB 391 by Chaisson *(Last Action –Failed to Pass House)*

SB 392 by Chaisson *(Last Action –House Calendar)*

Constitutional amendment and enabling legislation which would have increased the amount of state general fund, certain statutory dedications, and constitutional allocations the governor and legislature can reduce or reallocate when a deficit is declared in the current fiscal year or projected in the next fiscal year from 5% to 10%. Certain funds derived from fees and the Transportation Trust Fund, Conservation Fund, and Revenue Sharing Fund would have been exempted. Any adjustments in excess of 5% would require approval of a majority of elected members of each house of the legislature.

HB1110/HB1112 by LaFonta *(Last Action – House Committee)*

Constitutional amendment and enabling legislation would have decreased the amount increased the amount of state general fund, certain statutory dedications, and constitutional allocations the governor and legislature can reduce or reallocate when a deficit is declared in the current fiscal year or projected in the next fiscal year from 5% to 4%.

BUDGET STABILIZATION FUND

SCR 42 by Chaisson *(Last Action -Adopted)*

Provides legislative consent to make available for appropriation from the Budget Stabilization Fund the sum of \$198,396,069, not to exceed one-third of the balance of the Budget Stabilization Fund, due to the reduction of the revenue forecast for FY 2009-2010.

Appropriations

SB 1/SB 2 by Chaisson *(Last Action -Conference Committee)*

Would have restricted deposits of mineral revenue into the Budget Stabilization Fund (the "Rainy Day Fund") in the year in which an amount of the fund is incorporated into the official forecast and restricted the amount of mineral revenues deposited into the fund to no more than one-third of the specified amount of the fund incorporated into the official forecast or appropriated or transferred from the fund for each of the three fiscal years immediately after. Would have provided that the amount of the appropriation or deposit subject to this limitation should not exceed the specified amount, and this limitation should not otherwise restrict, reduce, or affect any other appropriation or deposit required to be made to the fund in accordance with the official forecast. The limitation would have only applied to the amount which, if incorporated into the official forecast or appropriated or transferred from the fund, would in the same fiscal year have caused, required, or resulted in a deposit to the fund.

Also would have provided that the Revenue Estimating Conference incorporate the portion of the Budget Stabilization Fund into the official forecast prior to the state treasurer transferring the portion from the Budget Stabilization Fund to the state general fund.

HB 1109/1111 by LaFonta *(Last Action -House Committee)*

Constitutional amendment and companion legislation would have provided for use of the Budget Stabilization Fund if a decrease in federal financial participation in state assistance expenditures for health or social services programs, including Federal Medical Assistance Percentages (FMAP), created a projected deficit for the next fiscal year. Would have permitted the difference between the current fiscal year's federal financial participation and the ensuing fiscal year's projected federal financial participation, not to exceed one-third of the fund, to be incorporated into the next fiscal year's official forecast only with the consent of two-thirds of the elected members of each house of the legislature.

PUBLIC CONTRACTS

HB 1490 by Connick *(Last Action – Sent to Governor)*

Provides that in awarding contracts, any public entity is authorized to reject the lowest bid from, or not award the contract to, a business in which any individual with an ownership interest of five percent or more has been convicted of, or has entered a plea of guilty or nolo contendere to any state felony crime or equivalent federal felony crime committed in the solicitation or execution of a contract or bid awarded under the laws governing public contracts.

HB 472 by Montoucet *(Last Action – Sent to the Governor)*

Prohibits unlicensed motor vehicle dealers from submitting a bid or contracting with public entities and requires any bid submitted by, or a contract or cooperative endeavor agreement with, a dealer include a copy of a valid state dealer's license issued by the La. Motor Vehicle Commission.

HB 699 by Geymann *(Last Action – Sent to Governor)*

Provides for additional oversight and approval of performance-based energy efficiency contracts by a newly created Energy Efficiency Procurement Support Team and the Joint Legislative Committee on the Budget. Also establishes that the legislative auditor post a written schedule of audits on their website each year and requires that audits be conducted on each performance-based energy efficiency contract in effect on and after January 1, 2010.

STREAMLINING MEASURES

SB 293 by Donahue *(Last Action – Sent to Governor)*

Requires the commissioner of administration to establish and implement an agency position attrition analysis process to be used by each executive branch agency to review historical position vacancies relative to authorized positions for each budget unit, program, and subprogram with a goal to reduce by 5% annually for three years by an equally proportionate reduction of such positions across all salary ranges of equal increments. Each executive branch agency must report the results of its analysis to the commissioner of administration no later than January 15 of each year and the commissioner of administration will provide a written report to the Commission on Streamlining Government.

SB 299 by Donahue *(Last Action – Sent to Governor)*

Provides for the executive departments and agencies and the Board of Regents for higher education agencies to develop a "cost recovery" budget request form, as part of the existing budget request content, to provide information on fees generated by each agency. Also provides that the division of administration establish a procedure for periodic review, analysis, and evaluation to ensure that fees established to fund specific activities are generating funding in direct proportion to expenditures associated with such activity.

SB 404 by Donahue *(Last Action – Act No. 72)*

Provides that the division of administration develop a long term plan for the creation of regional governmental service centers as a "one-stop shop" for state services. On or before March 15, 2011, the division of administration is required to submit a report detailing the status of the long term plan or its development to the Joint Legislative Committee on the Budget for approval.

Appropriations

SB 412 by Donahue *(Last Action – Act No. 73)*

Creates the State Buildings and Lands Highest and Best Use Advisory Group to advise the commissioner of administration on all matters relating to state-owned property and development opportunities for the state to enter into public-private development partnerships with private, non-profit, or public partners, chosen by competitive bid, in order to develop and manage state-owned real estate in a manner that achieves the highest and best use of the property.

BUDGETARY CONTROLS

HB 997 by Fannin *(Last Action – Act No. 10)*

Exempts voluntary councils on aging, public community water systems, and volunteer fire departments from the law requiring a non-governmental entity that is neither a budget unit nor a political subdivision of the state and is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill to submit information relative to proposed funding.

SB 414 by Lydia Jackson *(Last Action – House Calendar)*

Would have provided for the definition of "policy changes", used in term of the budgetary process, to mean a narrative explanation of increases or decreases in the level of funding, level of services, or the scope of services resulting from legislative, judicial, or executive policy actions. Also would have required that the budget request include the title, job description, and salary of each unclassified employee for the last fiscal year concluded, the existing operating budget, and for the ensuing fiscal year.

SB 706 by Lydia Jackson *(Last Action – Sent to Governor)*

Requires the Five Year Estimated Revenue Loss Chart from the most recent Tax Exemption Budget prepared by the Department of Revenue to appear as an appendix to the General Appropriation Bill and requires the Joint Legislative Committee on the Budget to annually review and evaluate the Five Year Estimated Revenue Loss Chart.

SB 656 by Hebert *(Last Action – Sent to the Governor)*

Requires state appropriation bills to include comparative statements of the existing operating budget for the current fiscal year and the appropriations for the ensuing fiscal year. Also requires that the budget documents required relative to the Local Government Budget Act, requiring each political subdivision to prepare a comprehensive budget presenting a complete financial plan for each fiscal year for the general fund and each special revenue fund, include a clearly presented side-by-side detailed comparison of such information for the current year.

Appropriations

HB 1306 by Downs *(Last Action –House Calendar)*

Would have required that 50% of any revenues designated as non-recurring in the official forecast be reserved for appropriation to the Department of Transportation and Development (DOTD) for the Highway Priority Program.

MINERAL RESOURCES

HB 1397 by Ellington *(Last Action –Sent to the Governor)*

Creates the Mineral Income Advisory Committee composed of the following members: the chairman of the House Committee on Appropriations, or his designee and the Senate Finance Committee, or his designee; the chairman of the House Committee on Ways and Means, or his designee and the Senate Revenue and Fiscal Committee, or his designee; and the chief economist of the Legislative Fiscal Office. The committee will report any findings and recommendations related to mineral resources to the Revenue Estimating Committee.

DISASTER RECOVERY

HB 1173 by Tucker *(Last Action –Senate Calendar/Reconsideration Pending)*

Would have provided authority and responsibility for the development of proposals and requirements for legislative approval, previously done through the Louisiana Recovery Authority, to the division of administration, office of community development. Expands the provisions to the recovery from Hurricane Gustav and its aftermath and Hurricane Ike and its aftermath and establishes similar requirements for proposals related to hurricanes Katrina, Rita, Gustav, and Ike. The bill also would have prohibited the execution of any contract, or the amendment of any contract, after July 1, 2010, for recovery services funded by Community Development Block Grant funds in excess of \$50,000 without recommendation of the commissioner of administration and approval of the Joint Legislative Committee on the Budget.

HB 1175 by Tucker *(Last Action –Senate Calendar)*

Would have provided for the allocation of any unspent federal funds available for recovery from Hurricanes Katrina and Rita to the governing authority of each parish affected. The parish governing authority would have been permitted to request that the state continue to operate a program and the state office of community development could continue to administer the program in that parish.

CIVIL LAW AND PROCEDURE

PROPERTY

HB 276 by Leger *(Last Action – Enrolled)*

Constitutional amendment providing that property expropriated for the public purpose of removing a threat to public health or safety caused by the existing use or disuse of the property shall not be subject to the requirement of offering the property back to the original owner who allowed the property to become a threat to public health or safety or to the requirement of public sale.

LIABILITY

HB 67 by Lopinto *(Last Action – Act No. 459)*

Limits the civil liability of a person using an automated external defibrillator at the scene of an emergency.

HB 773 by Roy *(Last Action – Act No. 276)*

Provides that if a person conducts a prescribed burn in accordance with existing rules and regulations, there shall be a rebuttable presumption of nonnegligence.

FAMILY LAW

HB 1261 by Ligi *(Last Action – Act No. 407)*

Provides that when a 102 divorce petition is filed, service of the petition shall be requested within 90 days. A defendant may expressly waive the service requirement unless he files a declinatory exception of insufficiency of service of process alleging the failure to timely request service of the petition for divorce. An action for divorce shall be dismissed if service is not timely requested and a declinatory exception of insufficiency of service is filed.

HB 319 by Landry *(Last Action – Act No. 190)*

Expands law to allow collaterals who are related within the twelfth degree (fifth cousins) to petition for intrafamily adoption.

HB 738 by LaFonta *(Last Action – House Committee)*

Would have allowed a second parent to petition for an intrafamily adoption.

Civil Law and Procedure

HB 830 by Greene *(Last Action – Sent to Governor)*

Provides that if a judgment of separation is rendered on the ground that the spouses were living separate and apart for at least 30 days from the date of, or prior to, the filing of the petition for divorce, the judgment shall be retroactive to the date the petition for divorce was filed.

HB 1156 by H. Burns *(Last Action – Sent to Governor)*

Provides a "Military Parent and Child Custody Protection Act" which ensures that an existing order of custody or visitation may be temporarily modified to make reasonable accommodations necessary for the deployment of a parent if the court determines it is in the best interest of the child.

SB 236 by Quinn *(Last Action – Failed to Pass/House)*

Would have changed from mandatory to permissive the ordering of equal physical custody of children if it is feasible and in the best interest of the child.

SB 320 by Quinn *(Last Action – Failed to Pass/House)*

Upon recommendation of the Louisiana State Law Institute, would have been a complete revision of the laws regarding the relocation of the residence of a child.

SB 130 by Morrell *(Last Action – Sent to Governor)*

Provides for the Louisiana Child Support Collection Protection Act. Requires registration with the secretary of state and requires the written contracts to contain certain information. Provides for the duties owed by private child support collection agencies and provides for civil penalties.

SB 132 by Morrell *(Last Action – Sent to Governor)*

Prohibits visitation between family members and children if the court finds the family member's intentional criminal conduct resulted in the death of a parent of the child.

PROCEDURE

HB 33 by Connick *(Last Action – Vote on Conference Committee Report Pending/House)*

Would have required that the written answer or reasons for objection shall immediately follow a restatement of each interrogatory, request for production of documents, or request for admission.

Civil Law and Procedure

HB 38 by Connick *(Last Action – Act No. 456)*

Requires recordation of all testimony, questions, objections, and any other statements during depositions except upon order of the court or agreement of all parties and counsel to terminate or suspend recordation.

HB 41 by Connick *(Last Action – Act No. 458)*

Requires the court, unless good cause is shown, to order a party making an invalid objection during a deposition to pay the costs incurred for editing or redacting the transcript.

HB 137 by Abramson *(Last Action – Act No. 185)*

On recommendation of the Louisiana State Law Institute, provides for the continuous revision of the Code of Civil Procedure and its ancillaries, and provides, in part, for the expanded grounds on which a court may order service by a private person in a summary proceeding; provides for cost-shifting in discovery of electronically stored information and specification of the means for accessing the information; provides for service by facsimile in the supplementary rules of service of process; and authorizes service by electronic means.

HB 260 by Abramson *(Last Action – Sent to Governor)*

Provides that a summary judgment shall be rendered or affirmed only as to the issues presently before the court and provides that when the court determines that a party or nonparty in a motion for summary judgment is not negligent, not at fault, or did not cause the injury or harm alleged, that party or nonparty may not be considered in any subsequent allocation of fault, evidence shall not be admitted at trial, and the issue shall not be submitted to the jury.

MEDICAL RECORDS

HB 987 by G. Smith *(Last Action – Sent to Governor)*

Prohibits a clinical laboratory or medical facility from withholding medical test results from individuals who request them

MEDICAL MALPRACTICE

HB 175 by Edwards *(Last Action – House Committee)*

Would have increased the medical malpractice cap to \$750,000 and would have required annual adjustments based upon the United States Consumer Price Index.

Civil Law and Procedure

HB 264 by Willmott *(Last Action – Sent to Governor)*

Adds licensed respiratory therapists, radiologic technologists, and clinical laboratory scientists to the definition of "health care provider" for the purposes of the medical malpractice acts for state and private services.

HB 1453 by Johnson *(Last Action – Sent to Governor)*

Excludes health care providers from coverage under the state and private Medical Malpractice Acts when performing elective abortions.

SB 514 by Murray *(Last Action – Act No. 78)*

Makes the Patient's Compensation Fund Oversight Board and the fund exempt from rate regulation by the commissioner of insurance. Requires the board to cause to be prepared an annual actuarial study of the fund by a qualified competent actuary. Provides that the surcharge shall be determined by the board in a public meeting. Requires the board to give written or electronic notice of the meeting at least 15 days in advance and to provide an opportunity for public comment at the meeting prior to determining rates.

Provides that at all times the fund shall be maintained to provide assets on hand of at least 30% of the fund's outstanding liabilities, calculated using the most recent actuarial study and report for the fund. Further specifies that no reduction in the surcharge shall be made unless such assets are available in the fund.

NOTARIES

HB 357 by Gallot *(Last Action – Sent to Governor)*

Provides that any person who is not a resident of this state but who is licensed to practice law in this state and maintains an office in this state may be appointed a notary public ex officio, and is authorized and empowered to exercise all the powers and functions of a regularly commissioned notary public in and for the parish or parishes in which his offices are located.

Requires that the notary public ex officio file a certificate of good standing from the La. Supreme Court with the secretary of state and that he post bond or maintain insurance.

PRIVATE ATTORNEY CONTRACTS

SB 731 by Chaisson *(Last Action – Vote on Conference Committee Report Pending/House)*

Would have authorized the attorney general to enter into contingent fee contracts with a private attorney or law firm for representation of the state or any of its agencies, boards, commissions, or departments in legal proceedings relating to the Deepwater Horizon event

Civil Law and Procedure

for the recovery of state property or state funds or the payment of compensation owed to the state or any of its agencies, boards, or commissions.

Would have required a request for proposals or similar competitively negotiated process by the governor, attorney general, treasurer, president of the Senate, and speaker of the House of Representatives and would have required approval by the Joint Legislative Committee on the Budget.

Would have limited an aggregate contingent fee to the lesser of ten percent of the net recovery or fifty million dollars, exclusive of reasonable costs and expenses and would have provided that if a disclosure statement shows an hourly rate in excess of \$1,000, the fee shall be reduced to an amount equal to \$1,000 per hour.

TRUSTS

HB 80 by T. Burns (*Last Action – Act No. 226*)

Provides that a judgment of possession automatically includes certain terms when made in accordance with a testamentary usufruct or trust.

HB 856 by T. Burns (*Last Action – Act No. 390*)

On recommendation of the Louisiana State Law Institute, provides for the revision of the La. Trust Code, and provides, in part, for the designation and selection of the proper court in actions involving a trust, and provides for the creation and beneficiaries of class trusts.

COMMERCE

BUILDING CODE

HB 206 by Fannin *(Last Action – Sent to Governor)*

Prohibits the La. State Uniform Construction Code Council from adopting or enforcing any part of the International Residential Code or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings.

Further prohibits a municipality or parish from adopting or enforcing an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.

Requires factory built homes to be inspected in accordance with the codes in effect for the locality where the home will be ultimately sited, on the date construction begins in the factory.

COMMERCIAL REGULATION

HB 1278 by Baldone *(Last Action - Act No. 410)*

Deletes the prohibition against the intentional delivery of scrap to a scrap metal collection and recycling facility if the scrap contains fuel tanks not certified as gas-free.

Deletes the requirement that persons delivering scrap to a scrap metal collection and recycling facility submit to the facility a certification signed by a duly authorized representative that fuel tanks not certified as gas-free have been removed.

HB 922 by Perry *(Last Action – House Committee)*

Would have provided that the state shall adopt and observe daylight saving time on a year-round basis.

CONSUMER PROTECTION

HB 1489 by Johnson *(Last Action – Sent to Governor)*

Provides that it shall be a violation for a motor vehicle dealer to sell a new motor vehicle without first supplying a prospective buyer with a recall notice, if applicable. This notice shall be included on the buyer's order in a box and in bold print which is signed by the buyer and the seller or his representative next to the box. If the buyer requests the recall notice, the

Commerce

recall notice shall be included in the sales transaction. If the selling dealer performed the repair, the documents supporting the repair shall also be included in the sales transaction.

SB 625 by Martiny *(Last Action – Act No. 492)*

Provides any provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract or construction contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the indemnitee from or against any liability for loss or damage where there is negligence or fault (strict liability) on the part of the indemnitee, or an agent or employee of the indemnitee, or an independent contractor over which the indemnitor has no control is null, void, and unenforceable.

Provides any provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract or construction contract which purports to require an indemnitor to procure liability insurance covering the acts or omissions or both of the indemnitee, its employees or agents, or the acts or omissions of a third party over whom the indemnitor has no control is null, void, and unenforceable.

SB 802 by McPherson *(Last Action – Sent to Governor)*

Requires any person, firm, or corporation engaged in commerce that sells, leases, or offers to sell or lease, any products or services to a consumer pursuant to a contract, when the contract automatically renews unless the consumer cancels the contract, to disclose the automatic renewal clause clearly and conspicuously in the contract or contract offer and to disclose clearly and conspicuously how to cancel the contract in the initial contract, contract offer, or with delivery of products or services.

Exempts the La. Rental-Purchase Agreement Act, banks, trust companies, savings and loan associations, savings banks, credit unions, finance or credit companies, industrial loan companies, or any other financial institution licensed or organized under the laws of any state or the United States, or any foreign bank maintaining a branch or agency licensed under the laws of the United States, or any subsidiary or affiliate thereof, insurers licensed under Title 22 of the La. Revised Statutes of 1950, a contract entered into before January 1, 2011, a contract that allows for cancellation by the consumer by written notice within 30 days or within one month, after the initial period has expired.

CREDIT/DEBIT CARDS

HB 344 by M. Jackson *(Last Action – Failed to Pass/House)*

Prohibits a seller or lessor in any sales or lease transaction with a consumer to impose a surcharge on a cardholder who elects to use a credit or debit card in lieu of payment by cash, check, or similar means.

Exempts governmental subdivisions and public utilities if the surcharge is disclosed clearly to the cardholder prior to payment and does not exceed the costs associated with providing the credit or debit card service

FIRE SAFETY

HB 241 by Abramson *(Last Action – House Calendar)*

Requires, after Jan. 1, 2012, all existing single-family or multiple-family dwellings at the time of sale or lease to contain, at a minimum, an operable carbon monoxide detector.

Requires the office of state fire marshal to promulgate rules, in accordance with the Administrative Procedure Act.

Provides that failure to comply shall not be a reason for nonpayment of any insurance claims and shall not cause a delay or a stoppage in the transfer of the property.

Provides that the real estate agent shall not be liable for the seller's failure to comply.

HOME INSPECTORS

HB 614 by Ponti *(Last Action – Act No. 195)*

Provides that no person acting as a licensed home inspector shall engage in or be financially compensated for any home inspection in a transaction in which that person received a fee, commission, or other valuable consideration while acting as a licensed real estate professional in connection with the same transaction.

HORSE RACING

HB 779 by Pearson *(Last Action – House Committee)*

Retains pari-mutual monies payable to the Horsemen's Benevolent and Protective Association (HBPA) but redirects off-track betting (OTB), video poker, and slot monies from the HBPA to the state general fund, and provides numerous administrative and regulatory changes.

HB 827 by Tucker *(Last Action – House Committee)*

Redirects pari-mutual, OTB, video poker, and slot machine monies from the Horsemen's Benevolent and Protective Association (HBPA) to the La. State Police.

Commerce

PLUMBERS

HB 1099 by Ponti *(Last Action – House Committee)*

Establishes a residential plumber's license for plumbers performing plumbing work in one- and two-family dwellings.

SUNSET

HB 56 by Arnold *(Last Action – Act No. 8)*

Re-creates the Dept. of Public Service with a new termination date of July 1, 2015.

HB 100 by Arnold *(Last Action – Act No. 182)*

Re-creates the Dept. of Economic Development with a new termination date of July 1, 2015.

HB 156 by Arnold *(Last Action – Sent to Governor)*

Re-creates the following agencies within the office of the governor with a new termination date of July 1, 2015:

- (1) La. State Board of Cosmetology.
- (2) Office of Financial Institutions.
- (3) La. State Racing Commission.
- (4) La. Cemetery Board.
- (5) State Board of Certified Public Accountants of La.
- (6) State Board of Architectural Examiners.
- (7) La. Real Estate Commission.
- (8) La. State Board of Home Inspectors.
- (9) State Licensing Board for Contractors.
- (10) Board of Examiners of Certified Shorthand Reporters.
- (11) La. Auctioneers Licensing Board.

- (12) State Board of Examiners of Interior Designers.
- (13) La. Real Estate Appraisers Board.
- (14) State Boxing and Wrestling Commission.
- (15) La. Motor Vehicle Commission.
- (16) La. Used Motor Vehicle Commission.
- (17) Polygraph Board.
- (18) Small Business Entrepreneurship Commission.

EDUCATION

(See the Appropriations section for more highlights relative to elementary, secondary, and postsecondary education funding and the House and Governmental Affairs section for more highlights relative to other education-related issues.)

MINIMUM FOUNDATION PROGRAM (MFP)

HCR 243 by A. Badon *(Last Action – Adopted)*

Provides legislative approval of the formula for FY 2010-2011 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to city, parish, and other local public school systems (including the Recovery School District and two university laboratory schools) and state office of juvenile justice schools as the formula was developed by the State Board of Elementary and Secondary Education (BESE) and adopted by the board on June 8, 2010. MFP implementation costs for FY 2010-2011 are \$3.319 billion, an increase of \$43.9 million over appropriations for FY 2009-2010.

Also, the formula:

- (1) Retains the base per pupil amount of \$3,855 used for FY 2008-2009 and FY 2009-2010.
- (2) Retains the weights for add-on student units used for FY 2008-2009 and FY 2009-2010.
- (3) Retains the \$100 per pupil amount used for FY 2008-2009 and FY 2009-2010 for mandated costs involving health insurance, retirement, and fuel.
- (4) Continues for certain school systems the phase-out of "hold-harmless" funding over 10 years, which began in FY 2007-2008.
- (5) Continues suspension of the requirement that certain school systems and schools must use 50% of "new" funds received for certificated pay increases and related retirement costs.
- (6) Retains requirement that 70% of local school system general fund expenditures must be in the areas of instruction and school administration at the school building level. Adds specified consequences for a school system that fails to meet this requirement and permits a waiver for noncompliance if the school system has a District Performance Score (DPS) at or above the state average.

- (7) Provides for October and February mid-year adjustments based on increases and decreases in student enrollment.
- (8) Deletes incentive funding for a local school system that enrolls a student who transfers from an academically unacceptable school.
- (9) Directs the state Dept. of Education to establish a task force to study funding for public education and specifies certain issues for review and evaluation.

SCHOOLS/LAWS, RULES, AND REGULATIONS/EXEMPTION

HB 1368 by Jane Smith *(Last Action – Sent to Governor)*

Authorizes BESE to exempt school districts from various laws, rules, regulations, and policies through issuance of a waiver if the school district demonstrates how such a waiver will increase the quality of instruction and improve student academic achievement. Specifies laws, rules, regulations, and policies that may not be waived, including those relative to nutrition, transportation, evaluations, alternative education, accountability, and graduation requirements. Specifies certain requirements for low-performing schools covered by a waiver including implementation of certain intervention options. Requires reporting by school districts to BESE on progress and effectiveness of granted waivers and requires BESE annually to report to the House and Senate education committees on whether the waivers have increased the quality of instruction and improved student academic achievement.

Provides that local public school boards are not required to comply with unfunded mandates imposed by state law or BESE rule.

SCHOOLS/CHOICE

HB 216 by Foil *(Last Action – Act No. 515)*

Establishes the School Choice Pilot Program for Certain Students with Exceptionalities as a two-year pilot program beginning with the 2011-2012 school year in any parish with a population in excess of 190,000 (which at this time includes Caddo, East Baton Rouge, Lafayette, Jefferson, Orleans, and St. Tammany). Provides eligibility requirements for students including that the student be entering kindergarten or grades one through eight and specifies what student exceptionalities are included. Further provides eligibility requirements for participating nonpublic schools and for program administration and implementation by the state Dept. of Education.

Education

SCHOOLS/TRANSPORTATION

HB 1376 by Hines (*Last Action – Sent to Governor*)

HB 151 by Carmody (*Last Action – Act No. 460*)

HB No. 1376 authorizes each local school board to provide transportation for any student attending a school of suitable grade (approved by BESE) within the jurisdictional boundaries of the local board who resides one mile or less from the school when the school board determines that conditions warrant the transportation. Specifies that such transportation shall be at no cost to the state. HB No. 151 provides similarly, but is limited to the Bossier and Caddo Parish School Boards.

SCHOOLS/GRADING SCALE

HB 433 by Hardy (*Last Action – Sent to Governor*)

Requires BESE to develop and implement a uniform grading scale for use in public schools to be enforced by school governing authorities and local superintendents. Exempts any school operated by the U.S. Dept. of Defense that is located on a federal military installation. Also requires BESE, during the 2010-2011 school year, to appoint a task force to provide related recommendations.

SCHOOLS/EMPLOYEES/LEAVE

HB 468 by Hoffman (*Last Action – Act No. 470*)

Adds certain school nurses, audiologists, educational diagnosticians, and speech-language pathologists who hold valid professional ancillary certificates issued by the state Dept. of Education to the list of school employees eligible for sabbatical leave. (Specifies that for school nurses, professional ancillary certificate means a Type A, Type B, or Type C certificate.) Limits eligibility of these employees to a fiscal year for which the amount of the state and local base per pupil cost determination, as established in the MFP formula most recently approved by the legislature, is increased at least 2.75% over the amount established for the previous fiscal year.

SCHOOLS/JUVENILE JUSTICE

SB 285 by Donahue (*Last Action – Act No. 131*)

Provides that an alternative school located in a secure care facility under the jurisdiction of the office of juvenile justice is a public school and shall be included by BESE in the MFP formula. Specifies that each student in such a school shall be funded at 100% of the state share per pupil amount as provided for the local school system in which such student would have otherwise been enrolled. Requires a local school system to allocate and transfer to the

office of juvenile justice an amount equal to the local per pupil amount times the number of such students enrolled in the alternative school.

STUDENTS/SCHOOL ATTENDANCE

HB 648 by S. Jones *(Last Action – Sent to Governor)*

Repeals law which permits a child between the ages of 17 and 18 to withdraw from school prior to graduation if both of these conditions are met: (1) Written consent is granted by his parent, tutor, or legal guardian. (2) An exit interview is conducted where the student and his parent, tutor, or legal guardian provide written acknowledgment that withdrawal from school shall likely reduce the student's future earning potential and increase the student's likelihood of being unemployed in the future.

STUDENTS/HOME STUDY

HB 303 by Henry *(Last Action – Sent to Governor)*

Relative to eligibility of home study students to participate in high school interscholastic athletics, provides that beginning with the 2010-2011 school year and thereafter, a student who is participating in a state-approved home study program is eligible (in accordance with specified guidelines and standards) to participate in interscholastic athletic activities at a high school that is a member of the La. High School Athletic Association (LHSAA).

Also defines certain terms as used in LHSAA rules, regulation, or by-laws.

SB 798 by Walsworth *(Last Action – Sent to Governor)*

Provides that state agencies, including public postsecondary institutions, and local governments shall give a high school diploma awarded by a state-approved home study program the same recognition as one awarded by an approved nonpublic school.

ADULT EDUCATION

HB 1055 by Richmond *(Last Action – Sent to Governor)*

SB 297 by Donahue *(Last Action – Act No. 132)*

Transfers responsibility for adult education from the state Dept. of Education to the Board of Supervisors for Community and Technical Colleges (LCTCS board). Provides for quality indicators and performance-based criteria, as established and adopted by the LCTCS board, to be used to allocate funds on an annual basis. Requires adult education programs to meet eligibility criteria established and adopted by the LCTCS board.

Education

TEACHERS/EVALUATION

HB 1033 by Hoffmann *(Last Action – Act No. 54)*

Requires annual formal evaluations by local school boards for all teachers and administrators. Provides that by the 2012-2013 school year, such evaluations be based on evidence of growth in student achievement using a value-added assessment model determined by BESE. Requires BESE to report to the House and Senate education committees on the development of the assessment model and provides that the committees may disapprove of the model if they determine that it is arbitrary or not evidence-based. Further requires BESE annually to report to the committees on the implementation, results, and effectiveness of the assessment model. Requires that the state superintendent of education and certain employees of the state Dept. of Education be evaluated using the same standards and criteria for teachers and administrators. Repeals present law Teacher Assistance and Assessment Program.

LOCAL SCHOOL BOARDS/POWERS

HB 942 by Carter *(Last Action – Sent to Governor)*

Requires the favorable vote of a majority of a school board membership to elect a local superintendent and a two-thirds vote to remove a superintendent. Provides that a superintendent may be removed from office for cause before his contract expires. Further provides relative to the authority of the local school board and the superintendent for personnel matters.

DEPARTMENT OF EDUCATION/SUNSET

SB 487 by Nevers *(Last Action – Sent to Governor)*

Provides for the general re-creation of the Department of Education and its statutory entities for two more years. Changes termination date from July 1, 2011, to July 1, 2013, and provides that termination would begin July 1, 2012, unless the department is again re-created.

TOPS/TAYLOR OPPORTUNITY PROGRAM FOR STUDENTS**HB 1491 by Downs** *(Last Action – Sent to Governor)*

Relative to academic eligibility requirements for an Opportunity, Performance, or Honors award, provides that beginning with the 2013-2014 school year and thereafter, a student graduating from a La. public high school or state-approved nonpublic high school must successfully complete at least 19 units of a specified high school core curriculum (an increase from 17 ½ units).

SB 486 by Nevers *(Last Action – Sent to Governor)*

Relative to academic eligibility requirements for a TOPS-Tech award, provides that beginning with the 2010-2011 school year and thereafter, a student graduating from a La. public high school or state-approved nonpublic high school may have attained a silver level score on the ACT WorkKeys system assessment in lieu of having a composite score on the ACT of 17 or higher or an equivalent concordant value on any enhanced or revised version of such test or on the SAT.

SB 182 by N. Gautreaux *(Last Action – Act No. 201)*

Relative to students participating in the postsecondary tuition exemption program for persons serving in the La. National Guard who also qualify for a TOPS award, doubles monetary amounts provided by TOPS for the cost of books and other instructional materials and for certain other educational expenses.

POSTSECONDARY EDUCATION/PERFORMANCE/TUITION**HB 1171 by Tucker** *(Last Action – Sent to Governor)*

Authorizes public postsecondary education institutions to enter into performance agreements with the Bd. of Regents in order to be granted limited operational autonomy and flexibility in exchange for committing to meet established targets for performance objectives as applicable to the institution. Grants tuition and fee increase authority to such institutions without legislative approval and provides for a phased-in implementation of such increases of up to 5% for the 2010-2011 and 2011-2012 fiscal years and up to 10% beginning in the 2012-2013 FY. Provides for review, revocation, and renewal of agreements by the Bd. of Regents and makes renewals subject to approval by the Joint Legislative Committee on the Budget.

Education

POSTSECONDARY EDUCATION/GOVERNANCE

HB 1492 by Tucker (*Last Action – House Floor*)

A proposed constitutional amendment to authorize the Bd. of Regents to adopt any policy necessary or appropriate to support and promote postsecondary education. Also provides that the public postsecondary education management boards' exercise of their reserved powers are subject to such Bd. of Regents policies.

SB 538 by Nevers (*Last Action – Act No. 447*)

Specifies that the supervision and management powers of the four public postsecondary education management boards are applicable to the "day-to-day operations" of institutions under their control.

Requires the Bd. of Regents to use its evaluation of the instructional and physical resources of existing public postsecondary education institutions to create efficiencies, increase student access, enhance academic quality, and further the goals of the postsecondary education master plan and for any other purpose that advances postsecondary education in each region and the state as a whole.

Provides that master plan provisions and other board policies that are a part of a statewide plan or have statewide application also apply to all public postsecondary institutions.

SB 488 by Nevers (*Last Action – Sent to Governor*)

Statutorily creates the position of commissioner of higher education. Provides that the Bd. of Regents shall appoint the commissioner by a two-thirds vote of the board's membership, subject to confirmation by the state Senate. Provides that the commissioner shall administer and implement board programs and policies and have such qualifications and other powers and duties as established by the board or as provided by law. Specifies that the commissioner's salary shall be determined by the Bd. of Regents, subject to approval by the Joint Legislative Committee on the Budget.

Also requires that board rules (other than those to regulate internal management of board affairs) be adopted in accordance with the Administrative Procedure Act.

HEALTH AND WELFARE

LEGISLATIVE OVERSIGHT OF HEALTH CARE PRIVATIZATION

HB 1443 by Edwards *(Last Action – Sent to Governor)*

SCR 75 by Marionneaux *(Last Action – House Calendar)*

Requires contractors for privatization of certain mental health facilities and services currently operated by the Department of Health and Hospitals (DHH) to be selected through the request for proposals (RFP) method, and that RFPs for privatization of each facility or service include certain evaluation factors.

Requires legislative committee review and approval of such RFPs, and of the resulting proposed contracts. Requires DHH to analyze actual patient outcomes before and after privatization and to report analysis on an annual basis to the House and Senate committees on health and welfare.

The provisions of the Act apply to any contract entered into by DHH with an effective date after April 15, 2010 for the privatization of any portion of the activities which were performed by the following institutions or programs operated by DHH in 2009-2010: Eastern Louisiana Mental Health System, Jackson Campus; Eastern Louisiana Mental Health System, Greenwell Springs Campus; Southeast Louisiana Hospital; Central Louisiana State Hospital; and the Red River Treatment Center.

HB 1493 by Barrow *(Last Action – Enrolled)*

Requires the LSU Board of Supervisors to provide a written, detailed overview and time line for the closure of the Earl K. Long Medical Center and the transfer of its medical education and inpatient hospital care to Our Lady of the Lake Regional Medical Center. Requires the Chairman of the LSU Board of Supervisors to provide a written status report to the House and Senate committees on health and welfare and to the Joint Legislative Committee on the Budget within 90 days of the passage of this Act and 30 days prior to the start of each legislative session thereafter. The report shall include information related to the provision of outpatient clinics, obstetrics, outpatient pharmacy, and prisoner care and shall contain a detailed overview of aspects such as the costs associated with the medical education and inpatient hospital services, a comparison of projected employment information, and projected costs for the state to deliver the hospital services through Our Lady of the Lake compared with what the state would have paid for the same services had they been performed by Earl K. Long Medical Center. Requires that DHH provide all information requested by LSU that is appropriate to fulfill the requirements of this Act.

Health and Welfare

COMMUNITY HOSPITALS / SPECIAL STATE FUNDS

SB 711 by Cheek *(Last Action – Enrolled)*

Establishes the Community Hospital Stabilization Fund as a special fund in the state treasury and provided for the sources of monies to be deposited into the fund, which include any monies appropriated annually by the legislature or any other monies provided by law. Provides that monies in the fund may be appropriated annually and used exclusively for certain purposes.

Authorizes and directs the state treasurer to transfer \$18,000,000 from the Artificial Reef Development Fund to the Overcollections fund; and \$10,000,000 from the State Emergency Response Fund to the Overcollections Fund.

HB 1370 by Mills *(Last Action – Act No. 490)*

Provides that the secretary of the Department of Health and Hospitals (DHH) may deny, refuse, or revoke an existing license for an outpatient abortion facility if an investigation or survey determines that an applicant or licensee is in violation of the law. Provides for a system of notification and appeal for a denial, refusal, or revocation of a license. Provides that DHH may also suspend a license if an investigation determines that there has been a violation of the law which poses an immediate threat to the health and safety of a patient or client. Provides for a system of notification and appeal for a suspension of a license. Provides that if a license is revoked or not renewed for reasons other than cessation of business or nonoperational status, the owner of the facility as well as other interested parties may be prohibited from operating another outpatient abortion clinic in Louisiana.

SB 528 by Broome *(Last Action – Sent to Governor)*

Requires a physician intending to terminate a pregnancy to first perform an ultrasound examination of the unborn child in order to make a finding of the gestational age, weight, and lung maturity of the unborn child and specifies that consent to an abortion is voluntary and informed only if the ultrasound is performed. The ultrasound must be given by the physician who is to perform the abortion, the referring physician, or a qualified person working in conjunction with either physician. Requires that at least two hours prior to the woman having any part of an abortion, the physician, referring physician, or qualified person working in conjunction with either physician shall offer to simultaneously display the screen depicting the active ultrasound images so that the pregnant woman may view them, offer to provide a simultaneous explanation of what the ultrasound is depicting, and offer to provide the pregnant woman with an ultrasound photograph or print of her unborn child.

REGULATION OF DAY CARE CENTERS

SB 192 by Mount *(Last Action – Act No. 429)*

Provides an exception from being classified and regulated as day care centers for certain religious organizations providing care for children.

HB 287 by Cortez *(Last Action – Act No. 569)*

Provides that the Department of Social Services shall not interfere with the parent-child relationship regarding the religious training of a child who is enrolled in a child care facility operated by a religious organization which requires religious training.

Places a moratorium, effective through July 1, 2011, on the enforcement of rules and regulations regarding child residential facilities operated by religious organizations which meet the following criteria:

- (1) Are tax-exempt nonprofit organizations.
- (2) Were not licensed as either Class A or Class B facilities on June 1, 2010.
- (3) Provide child care for not less than 25 hours and not more than 40 hours in a continuous seven-day week.

MATERNAL HEALTH

HB 616 by Barrow *(Last Action – House Committee)*

Would have allowed DHH to create a preterm labor services program for Medicaid-eligible women with high risk pregnancies and would have required DHH to conduct a study to determine program impact and if there were any cost savings. The program would have included services such as preconception and inter-conception counseling, risk assessment, patient education, home nurse visits, and telemedicine, with special attention paid to pregnancy conditions which lead to a repeat preterm delivery such as hypertension and diabetes.

SAFE HAVEN TRAINING

HB 504 by Willmott *(Last Action – Act No. 471)*

Addresses training requirements for employees of "designated emergency care facilities", also known as Safe Haven infant relinquishment sites. Requires that designated emergency care facilities provide periodic instruction to employees on infant relinquishment procedures. Provides that such instruction may be conducted in any manner that is deemed appropriate and sufficient by the facilities, and may vary depending on the type of facility and the job duties of the employees being trained. Provides that there shall be no civil penalty for failure

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to comply with provisions of the Act. Requires that the Department of Social Services (DSS) make Safe Haven training materials available for download on the department's website, and provide notice to the public of the existence of designated emergency care facilities.

HCR 159 by Willmott *(Last Action – Enrolled)*

Commends DSS for winning a national media award in April, 2010 for a Safe Haven public service television commercial. In the six years of existence of Safe Havens in Louisiana, over one-third of all newborn relinquishments to Safe Haven sites have occurred since the commencement of the department's 2009 public information campaign which included this commercial.

DRUG TESTING OF WELFARE RECIPIENTS

HB 617 by LaBruzzo *(Last Action – Senate Committee)*

Would have required that all adult recipients of cash assistance (Family Independence Temporary Assistance Program) sign a form consenting to possible drug testing prior to and while receiving cash assistance benefits. Would have required DSS to drug test 20% of adult recipients of cash assistance. Would have required the secretary of DSS to contract with the most qualified private contractor with technical competence and the ability to conduct a follow-up test of any adult participant who fails an initial drug screening.

DEPARTMENT OF SOCIAL SERVICES REORGANIZATION

SB 257 by Mount *(Last Action – Sent to Governor)*

Changes the name of the Department of Social Services (DSS) to "Department of Children and Family Services". Consolidates the office of community services, office of family support, and office of management and finance (divisions of DSS) into one division named "office of children and family services".

Provides that the office of children and family services within the new Department of Children and Family Services shall perform the following functions and services:

- (1) Offer public assistance programs to provide aid to dependent children and adults, who, due to age, disability, or infirmity, are unable to adequately meet their basic needs.
- (2) Administer the Supplemental Nutrition Assistance (food stamp) Program, child support programs, establish paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary.
- (3) Administer the public child welfare functions of the state, including but not limited to prevention services which promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily

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maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption.

- (4) Administer the functions of the state relating to the licensing of child care facilities that do not receive federal funds under Title XIX of the Social Security Act and day care centers and agencies and issue and monitor domestic violence services contracts.

HB 1198 by Katz *(Last Action – Sent to Governor)*

Transfers each program currently operated by the Department of Social Services (DSS), office of Louisiana Rehabilitation Services (LRS) to the Department of Health and Hospitals (DHH) or the Louisiana Workforce Commission (LWC).

Transfers the following LRS programs from DSS to the LWC: Vocational Rehabilitation Program; Blind Services and the Blind Vendors Trust Fund; Independent Living Part B Program; and Independent Living for Older Blind Program.

Transfers the following LRS programs from DSS to DHH: La. Commission for the Deaf; Traumatic Head and Spinal Cord Injury Trust Fund Program; State personal assistance services program; and Community and Family Support Program.

ANATOMICAL GIFTS

HB 1123 by Gallot *(Last Action – Sent to Governor)*

Amends law addressing organ donation to be uniform with the law of other states which have enacted the same Uniform Anatomical Gift Act.

Amends law relative to the definition of "death".

END-OF-LIFE TREATMENT AND CARE

HB 1485 by Mills *(Last Action – Sent to Governor)*

Establishes the Louisiana Physician Order for Scope of Treatment (LaPOST) program and form, which constitute a means by which a person may convert his wishes concerning life-sustaining medical treatment into a standing medical order. Provides detailed requirements for the entirety of the LaPOST form (its format and specific text to be used on the form). Provides for responsibilities of physicians, health care providers, certified emergency technicians, and certified first responders regarding LaPOST. Provides for immunity from liability for health care providers, physicians, and persons acting under the direction of a physician who act in accordance with a duly executed LaPOST form. Provides that the intent of the LaPOST form to complement other declarations concerning life-sustaining procedures as provided for in law.

Health and Welfare

LEASING OF STATE FACILITIES

HB 971 by Abramson *(Last Action – Sent to the Governor)*

Authorizes the secretary of the Department of Health and Hospitals and the commissioner of administration to enter into a lease with the New Orleans Home for the Incurables for the operation of the John J. Hainkel, Jr. Home and Rehabilitation Center. Provides that the lease shall be negotiated to include certain terms and conditions, including that the facility will continue to operate as a long-term care facility, will continue to offer current employees first priority for employment, will continue to provide medical and clinical training for students, and will continue its mission to provide quality long-term care services to the indigent population.

Authorizes the secretary of DHH to lease certain unused buildings and improvements at Southeast Louisiana Hospital to Beacon Behavioral Health.

EMERGENCY MEDICAL SERVICES

HB 985 by White *(Last Action – Sent to Governor)*

Establishes the Louisiana Emergency Response Network (LERN) as the lead agency to govern, develop, and manage a comprehensive statewide system to address trauma and time-sensitive illness. Requires LERN to establish a statewide trauma registry and to promulgate rules to establish a reporting process. Requires that a trauma center designation be based upon national guidelines and reserved exclusively for hospitals with state-issued trauma certification. Adds members to the LERN board and authorizes the board to work with DHH to develop stroke and ST segment elevation myocardial infarction (STEMI) systems designed to promote rapid identification and access to STEMI resources statewide. Creates a fund and allows various grants, state, and federal funds to be deposited into it. Provides for the board to make annual reports to the legislature and provides for patient and peer review data related to LERN and the trauma registry to remain confidential and exempt from public records law.

HB 1030 by St. Germain *(Last Action – Sent to Governor)*

Provides that any person employed by or a volunteer of a municipal law enforcement agency, fire service, or fire protection district who does not perform emergency medical services outside of the individual's governmental responsibilities for any form of compensation shall not pay a fee of more than \$10 in order to be recertified. Exempts certain employees and volunteers of the state or another public entity, municipal fire department, fire protection district, or volunteer fire department from the authority of the La. Emergency Services Certification Commission to conduct disciplinary hearings, request investigations, and initiate prosecution unless the subject pertains to scope of practice or patient care issues. Allows the commission to conduct disciplinary hearings, request investigations, and initiate prosecution on nonmedical issues after the commission has forwarded a nonmedical

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complaint to the local governing body and received a response with investigative results and any disciplinary disposition. If the commission has not received a response from the local governing body within 60 days or if they determine by 2/3 vote of the membership that waiting would jeopardize public health and safety, the commission may proceed with disciplinary hearings, request investigations, or initiate prosecution on nonmedical issues.

PUBLIC HEALTH: SMOKING

HB 1323 by Nowlin *(Last Action – House Committee)*

Would have prohibited smoking in any riverboat or land-based casino unless the riverboat or casino provided a separate smoke-free gaming facility. Would have retained certain exceptions to the smoking ban, such as bars, outdoor patios, and other gaming establishments licensed for video poker devices or slot machines.

SB 348 by Marionneaux *(Last Action – House Committee)*

Would have prohibited smoking in any bar, riverboat, gaming establishment, facilities licensed for video poker devices or slot machines, and facilities licensed for pari-mutuel or off-track wagering. The legislation would have retained certain exceptions to the smoking ban, such as outdoor patios.

PUBLIC HEALTH: DRINKING WATER

SB 638 by Claitor *(Last Action – House Committee)*

Would have required that in addition to existing rules and regulations regarding fluoridation of public water systems, the Department of Health and Hospitals (DHH) promulgate new rules and regulations to provide notice to consumers of water originating from a public water system that is not currently fluoridated at least 60 days prior to fluoridation of such water system.

Would have prohibited any public water system subject to the jurisdiction of the state's Fluoridation Advisory Board from using any chemicals manufactured, processed, or packaged within the People's Republic of China to fluoridate water.

Would have provided that water systems which knowingly violated provisions of the proposed law be subject to a civil fine of up to \$1,000 per day until the violation was remedied.

HCR 207 by Hardy *(Last Action – House Committee)*

Would have directed the group known as Citizens Opposing Fluoridation to prepare a list of questions and concerns regarding the health, environmental, and fiscal effects of fluoridation

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and present this material by Sept. 1, 2010 to the Fluoridation Advisory Board, the House and Senate committees on Health and Welfare, the House Committee on Natural Resources and Environment, the Senate Committee on Environmental Quality, the House Appropriations Committee, and the Senate Finance Committee.

Would have directed the Fluoridation Advisory Board, by Dec. 31, 2010, to furnish responses to these questions and concerns to Citizens Opposing Fluoridation and the above-named legislative committees.

CARE OF ELDERLY AND DISABLED

HB 1185 by Nowlin (*Last Action – Act No. 305*)

Creates the Home- and Community-Based Long-Term Care Act directing the Department of Health and Hospitals to promulgate rules and regulations no later than October 1, 2010 to complete implementation of the resource allocation models for the New Opportunities Waiver, the Elderly and Disabled Adults Waiver, and the Long-Term Personal Care Services program by July 1, 2012, to develop an objective formula to determine the staff needed to regulate and monitor the various home- and community-based programs to control for fraud, abuse, and regulatory compliance, and to develop and implement a budget neutral pilot program for a coordinated prepaid delivery model for long-term care. Also requires DHH to submit quarterly reports to the House and Senate committees on health and welfare and the Joint Legislative Committee on the Budget and specifies that the reports shall include certain content on cost and number of recipients participating in services and on the waiting list for services.

HOUSE AND GOVERNMENTAL AFFAIRS

THE LEGISLATURE AND LEGISLATION

HB 799 by Lambert *(Last Action – Failed to Pass/House)*

Would have required concurrence of a majority of the elected members of each house for the governor to call the legislature into extraordinary session.

HB 1249 by Brossett *(Last Action – Sent to Governor)*

Provides that a particular federal census shall become the "latest" and the "most recent" federal census on Aug. 15 of the year after the year the census is taken and remains the "latest" and "most recent" federal census until Aug. 15 of the year after the next census is taken.

SB 709 by Walsworth *(Last Action – Sent to Governor)*

Repeals the statutory requirement that Acts of the legislature be printed in the official journal of the state. Requires instead that the Acts be made accessible on the website or portal of the official journal of the state. Provides that this website or portal is the official journal of the state for purposes of Article III, Section 19 of the Constitution of Louisiana, which requires all laws to be published in the official journal of state. Requires the secretary of state to cause a notice to be published once in the official journal of each parish, informing the public where the full text of the Acts of the legislature may be viewed.

COLLEGES AND UNIVERSITIES

HB 401 by Harrison *(Last Action – Failed to Pass/House)*

Relative to a new or increased tuition amount or mandatory fee by a public postsecondary education management board, would have provided that during the period from Jan. 1, 2011, to Dec. 31, 2015, the constitutional requirement that any new fee or civil fine or increase in an existing fee or civil fine be instituted by enactment of a law by a 2/3 vote of the elected members of each house of the legislature shall not apply.

BOARDS AND COMMISSIONS

HB 302 by Smiley *(Last Action – Enrolled)*

Expands the number of boards and commissions required to submit information for posting on the Internet by including each board and commission whose members are required to file annual financial disclosure statements pursuant to provisions in the Code of Governmental Ethics. Specifies that information about per diem and reimbursement for travel expenses,

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including the amount of such expenses paid per meeting and an aggregate amount of such expenses paid per fiscal year be included in the information required to be submitted. Requires disclosure of certain business or professional clients to the Senate Committee on Senate and Governmental Affairs by members of the board of directors of the La. Lottery Corporation.

HB 1482 by Smiley *(Last Action – House Calendar)*

Would have provided that if a licensing agency's audited financial statement or annual financial report prepared for a fiscal year that ends in an odd-numbered calendar year indicated that the agency's unrestricted net assets exceeded its operating expenditures, the licensing agency shall promulgate rules reducing the licensing fees it charges. Would have required the agency to reduce fees to amounts estimated to reduce its unrestricted net assets below its operating expenditures within two years. However, would not have required a reduction of any licensing fee by more than 75% in any 24-month period. Would have defined annual operating expenditures as the average annual operating cost of the licensing agency over the three fiscal years 2007-2008, 2008-2009, and 2009-2010, annually adjusted for inflation based on the Consumer Price Index.

ELECTED OFFICIALS

HB 51 by Champagne *(Last Action – Failed to Pass/House)*

Would have provided a limit of three consecutive terms for election to the same statewide elected office (except for the office of governor) by prohibiting a person who has served for more than two and one-half terms in three consecutive terms from being elected to the same statewide elected office for the succeeding term (applicable to service on or after Jan. 9, 2012).

HB 410 by Carter *(Last Action – Senate Committee)*

Would have provided for an election in every school district, with limited exceptions, on Nov. 2, 2010, to determine whether the members of the school board in each district shall have term limits. Would have provided that if such term limitation is approved by the electors, then each member of the school board who had served more than two and one-half terms in three consecutive terms shall not be elected to the board for the succeeding term.

ELECTIONS

HB 292 by Greene *(Last Action – Sent to Governor)*

Repeals the closed primary system of elections for congressional candidates. Provides that members of congress and officials elected at the same time run in a primary election on the first Tues. after the first Mon. in Nov. and a run-off general election on the first Saturday in

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Dec. Provides that all qualified voters may vote on candidates in the primary and general elections without regard to party affiliation or lack thereof.

SB 615 by Martiny *(Last Action – Sent to Governor)*

Provides that a member of the Elections Compliance Unit may enter a polling place during early voting or on election day to check the overall operations of the polling place or investigate any potential violation of the election code. Increases the penalties for a number of election offenses; converts many misdemeanors into felonies. Repeals corresponding provisions in the criminal code.

LOBBYING

SB 507 by Jackson *(Last Action – Sent to Governor)*

Provides for registration of and disclosure by persons who lobby local government officials. Provides that the Board of Ethics has jurisdiction over enforcement of new law.

Defines lobbying as any direct act or communication with a local government official, the purpose of which is to aid in influencing a local government action. A local government official is an elected official, an appointed official, or an employee in an authority, office, department, district, unit, board, commission, institution, or any quasi-public entity created in local government by or pursuant to law or by or pursuant to the constitution in a local governmental or local political subdivision (excludes any unit of the executive, legislative, or judicial branches of state government or any agency thereof). Requires a person to register if the person acts in a representative capacity and makes an expenditure in excess of \$500 in the aggregate within a calendar year (excludes any person who does not make any direct act or have any direct communication with a local governmental official for the purpose of influencing a local governmental action).

ETHICS

HB 296 by Hutter *(Last Action – Failed to Pass/Senate)*

Would have provided an exception to the ethics code to allow a public servant to accept a gift valued at no more than \$15, up to an aggregate value of \$45 for all gifts from any one person in a calendar year.

HB 758 by Hutter *(Last Action – Vetoed)*

Would have provided that after consideration of a matter initiated by an ethics complaint is concluded, the accused shall be entitled to know the name of the complainant. Would have provided that upon written request by the accused, the board shall provide the accused with the name of the complainant and that after the board provides the name of the complainant

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to the accused, the name of the complainant shall no longer be deemed confidential or privileged. Would have exempted matters initiated by a complaint made pursuant to present law whistleblower protection provisions.

DUAL OFFICEHOLDING AND EMPLOYMENT

HB 723 by Connick *(Last Action – Sent to Governor)*

Permits a court to declare a person in violation of the dual officeholding /dual employment laws and order reimbursement of compensation even if the person has vacated the incompatible or prohibited office or employment prior to the filing of the suit for declaratory judgment or issuance of a final judgment.

CIVIL SERVICE

HB 754 by Schroder *(Last Action – Failed to Pass/House)*

The proposed constitutional amendment would have prohibited the granting of a pay increase to any person in state service when there is a budget deficit unless the legislature determines by a 2/3 vote of each house that a pay increase may be granted.

INSURANCE

LOUISIANA CITIZENS PROPERTY INSURANCE CORPORATION

HB 44 by Kleckley *(Last Action – Act No. 345)*

Requires that at the time of issuance or annual renewal of a property insurance policy insurers include the following information along with the policy that is sent to the policyholder: (1) information on the electronic link to the form designated by the Department of Revenue to receive a refund from the state after its payment by the insured for the amount of any surcharge, market equalization charge, or other assessment levied by the corporation as a result of Hurricanes Katrina and Rita and (2) a statement that any surcharge, market equalization charge, or other assessment levied by the corporation for a plan deficit resulting from Hurricanes Katrina and Rita is refundable.

HB 706 by Abramson *(Last Action – Sent to Governor)*

Requires Louisiana Citizens Property Insurance Corporation to provide, with each application form and policy of insurance, a separate disclosure statement informing policyholders that they may obtain a list of insurance providers who are writing coverage in the private market in a particular area. Provides that the disclosure statement should include specific directions of how to access the Louisiana Department of Insurance website, where the list will be located.

HB 952 by Kleckley *(Last Action – Act No. 397)*

Provides that Louisiana Citizens Property Insurance Corporation ("the corporation") shall offer up all of its in-force policies for removal to the private market at least once per calendar year. Also provides that each insurer who is admitted to write homeowners' insurance or insurance that insures one- or two-family owner occupied premises for fire and allied lines or insurance which covers commercial structures in the state of Louisiana may apply to Louisiana Citizens Property Insurance Corporation to become a take-out company. Further provides that each insurer participating in the take-out program shall be offered all of the corporation's in-force policies. Also lists the criteria for which corporations shall be approved to participate in the depopulation program.

USE OF CREDIT SCORING IN THE DETERMINATION OF INSURANCE PREMIUMS

HB 512 by Harrison *(Last Action – House Committee)*

Modified the definition of credit information, credit report, and insurance score to provide that the only credit factor that may be used in the determination of insurance premiums is credit information relating to payment of insurance premiums.

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HEALTH INSURANCE

HB 244 by Kleckley *(Last Action – Sent to Governor)*

Extends the age that a dependent child will be covered by a parent or grandparent's family group health or accident insurance to until the age of 26. Removes the requirements that a dependent child or grandchild must be: (1) unmarried and (2) a full-time student. Exempts insurance coverage provided by the Office of Group Benefits from application of law.

HB 744 by Roy *(Last Action – Act No. 484)*

Restricts providers of group health insurance from rescinding coverage from an insured in any case except for fraud. Also allows group health insurance providers to non-renew or discontinue coverage based on fraud. Such rescission, non-renewal or discontinuation requires that the insurer give prior notice to the insured.

HB 1247 by Hoffmann *(Last Action – Sent to Governor)*

Prohibits the federal health care reform plans from providing coverage for elective abortions, except under the following circumstances: (1) when it is necessary to save the life or preserve the health of an unborn child; (2) to remove a dead unborn child; or (3) to terminate a pregnancy where the fertilized egg is implanted outside the uterus.

SB 683 by LaFleur *(Last Action – Act No. 340)*

Provides that, in the event that a health care provider that does not contract with a health insurance issuer files a claim with the health insurance issuer for emergency services rendered, the health insurance issuer shall make direct payment to the health care provider instead of the patient, insured, or enrollee.

RESTRICTIONS ON THE USE OF STEP THERAPY AND FAIL FIRST PROTOCOL

SB 421 by Murray *(Last Action – Sent to Governor)*

Requires insurers to ensure that physicians have access to a clear and convenient process to request an override of any step therapy or fail first protocol that restricts a particular medication for the treatment of a medical condition. An override should be expeditiously considered by insurers when the physician can demonstrate, based on sound clinical evidence, any of the following circumstances: (1) that the preferred treatment required under the step therapy or fail first protocol has been ineffective in the treatment of the insured's disease or medical condition; (2) that the preferred treatment required under the step therapy or fail first protocol is expected to be ineffective based on the known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or (3)

that the preferred treatment required under the step therapy or fail first protocol will cause or will likely cause an adverse reaction or other physical harm to the insured.

LOUISIANA MANDATED HEALTH BENEFITS COMMISSION

SB 543 by Morrish (*Last Action – Act No. 549*)

Creates the Louisiana Mandated Health Benefits Commission. Establishes the powers, duties, functions, and responsibilities of the commission. Provides that the commission is to be comprised of 18 voting members, 2 ex officio, nonvoting members, and 2 other nonvoting members. Requires the commission to conduct its duties under the direction of the commissioner of insurance. Places the Louisiana Mandated Health Benefits Commission in the Department of Insurance.

Establishes the following duties of the commission: (1) to conduct reviews of all proposed legislation that would mandate coverage by health insurance issuers of specifically enumerated benefits, services, conditions, or medical products and (2) to annually report findings and recommendations, if any, on mandated benefits proposal to the legislature. Requires the commission to consider the medical, social, and financial impacts when reviewing mandated benefit proposals.

Requires the commission to report its findings to the House and Senate committees on insurance no later than 30 days prior to the date that the regular session of the legislature convenes. Requires the commission to consider, analyze and report to the House and Senate committees on insurance prior to the regular legislative session on proposed mandated benefits submitted to the commission after January 15th of each year. Requires the House and Senate committees on insurance to consider the commission's report when a mandated benefit proposal is brought before them. Also, requires the commission to provide an opportunity for any interested person to present information regarding a mandated benefit proposal. Permits the commission to request reports related to proposed mandated benefits from persons outside the commission.

PROPERTY INSURANCE

HB 581 by Kleckley (*Last Action – Act No. 194*)

Defines "road hazard" as including but not limited to potholes, rocks curbs, wood debris, other debris, nails, screws, bolts, metal parts, or glass. Specifies that the definition of "road hazard" does not include any damage caused by collision with another vehicle, vandalism, or other causes usually covered under the comprehensive or collision coverages provided by an automobile physical damage policy.

Defines "vehicle component coverage contracts" as a contract which provides the owner or purchaser of a motor vehicle with one or more of the following coverages: (1) "Paintless

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dent repair contract" which is a contract which provides for the repair of or promises to pay for all or part of the cost to repair or remove dents, dings or creases from the exterior of the motor vehicle utilizing the paintless dent repair process, provided that a paintless dent repair contract shall not cover sanding, bonding, painting, or the replacement of body panels; (2) "Tire and wheel contract" which is a contract which promises to pay for all or part of the cost to repair or replace tires and wheels which are damaged due to contact with a road hazard; and (3) "Windshield contract" which is a contract which promises to pay for all or part of the cost of the repair or of the replacement of windshield or window glass on a motor vehicle when the damage to the glass is caused by contact with a road hazard.

Provides that the licensing requirements for vehicle mechanical breakdown insurers do not apply to tire and wheel coverage sold as a part of a service package in concert with the sale of one or more tires or one or more wheels.

HB 1008 by Harrison *(Last Action – Sent to Governor)*

Provides that whenever a motor vehicle is damaged through the negligence of a third-party without being destroyed, and the owner can prove by a preponderance of the evidence that, if the vehicle were repaired to its preloss condition, its fair market value would be less than its value before it was damaged, the owner of the damaged vehicle is entitled to recover as additional damages an amount equal to the diminution in the value of the vehicle. Specifies that the total damages recovered by the owner cannot exceed the fair market value of the vehicle prior to when it was damaged, and the amount paid for the diminution of value shall be considered in determining whether a vehicle is a total loss.

HB 1147 by Gallot *(Last Action – House Committee)*

Would have required that a person being excluded from an automobile insurance policy be a party to the written agreement and execute the driver exclusion form. Specified that the named person exclusion is valid for the life of the policy but requires the completion of a new driver exclusion form when a renewal, reinstatement, substitute, or amended policy is issued regardless of whether it is issued to the same named insured by the same insurer or any of its affiliates. Also, required the completion of a new agreement excluding a named person from coverage when there are changes to an existing policy, regardless of whether these changes create new coverage.

HB 1328 by Hardy *(Last Action – House Committee)*

Would have required that an owner, keeper, or harbinger of a dangerous dog must maintain a policy of liability insurance that is issued by an insurer licensed in this state subject to a limit, exclusive of interests and costs, of not less than \$100,000 insuring the owner for any damage or bodily injury or death to a person that is caused by the dangerous dog. Required that subsequent to an attack the owner, keeper, or harbinger of a dangerous dog must provide proof of the requisite liability insurance coverage. Also, required that an insurer providing

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such liability insurance must notify the secretary of the Department of Public Safety and Corrections of any cancellation, termination, or expiration of a policy within 15 days of the date the policy became ineffective. Established a fine not to exceed \$1,000 or imprisonment for not more than six months, or both for any person that violates this provision.

SB 150 by Duplessis *(Last Action – Sent to Governor)*

Prohibits insurers from increasing the premium rate or adding a surcharge to a policy of motor vehicle insurance based solely on consideration of a lapse in coverage. Further prohibits insurers from denying an application for motor vehicle insurance based solely on consideration of a lapse in coverage. Provides that punishment for violation by an insurer will require the insurer to refund any money to the insured that is in excess of the amount of the premium that would have been charged had the insurer been in compliance with the law. Authorizes the commissioner of insurance to promulgate rules and regulations for enforcement of law.

SB 595 by Quinn *(Last Action – Sent to Governor)*

Prohibits an insurer from canceling or failing to renew a homeowners' insurance policy, regardless of whether the policy has been in effect for less than 3 years, when such action is based on the presence of Chinese drywall or the filing of a claim by an insured that is based on the presence of Chinese drywall which, prior to December 31, 2009, was imported from, or manufactured in, the People's Republic of China. Establishes a penalty to be imposed by the commissioner of insurance against an insurer of up to \$15,000, plus all attorney fees, expenses, and court costs incurred by the property owner in having the policy reinstated.

Also, provides that any insurer that has canceled or failed to renew a policy after an insured has made a claim due to the presence of Chinese drywall has 30 days from the effective date of the Act to reinstate the policy on the same terms and conditions that applied to the policy prior to the claim or be in violation of the Act.

SB683 by LaFleur *(Last Action – Act No. 340)*

Provides that, in the event that a health care provider that does not contract with a health insurance issuer files a claim with the health insurance issuer for emergency services rendered, the health insurance issuer shall direct payment to the health care provider instead of the patient, insured, or enrollee.

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RETURN OF UNEARNED PREMIUM TO THE INSURED AFTER CANCELLATION OF AN INSURANCE POLICY

SB 246 by McPherson (*Last Action – Act No. 169*)

Requires an insurer pay any unearned portion of any premium to the insured or other person entitled to the refund, according to the policy, based on the customary pro rata rate. Also, provides that if a personal line or commercial line policy is canceled, any unearned premium and commission shall be computed on a pro rata basis. Except with respect to surplus line insurers, prohibits the assessment of any monetary penalty by an insurer against the insured who elects to cancel a policy prior to its expiration.

BALANCE BILLING DISCLOSURE

SB 732 by Hebert (*Last Action – Act No. 453*)

Defines "balance billing" as any written or electronic communication by a non-contracted health care provider that appears to attempt to collect from an enrollee or insured any amount for covered, non-covered, and out-of-network health care services received by the enrollee or insured from the non-contracted health care provider that is not fully paid by the enrollee or insured, or the health insurance issuer. Also, defines "enrollee or insured liability". Requires each health insurance issuer and health care facility, no later than July 1, 2011, to provide the balance billing disclosure notice.

Also, provides that if a facility-based physician bills a patient who has health insurance coverage issued by a health insurance issuer that does not have a contract with the facility-based physician, the physician shall send a bill that includes an itemized list of the services and supplies provided by him as well as the dates such services and supplies were provided. Requires disclosure of the amount owed by the enrollee or insured, a telephone number to call to discuss the statement and language conspicuously displayed on the front of the bill stating that it is a bill and that based on information from the health plan, the amount shown is owed by the enrollee or insured.

JUDICIARY

ALCOHOLIC BEVERAGES

HB 1484 by Danahay *(Last Action – Sent to Governor)*

Requires the commissioner of alcoholic and tobacco control to issue a three-day special event permit to a retail dealer authorizing a person to bring homebrew alcoholic beverages on the licensed premises for the purpose of possessing, consuming, and serving the homebrew in connection with homebrew club meetings, organized affairs, exhibitions, or competitions such as homebrewer's contests, tastings, or judging. Prohibits the selling of homebrew.

COURTS

SB 118 by Long *(Last Action – Act No. 161)*

Increases the jurisdictional limits in the City Court of Monroe and the City Court of Winnfield to \$30,000 and the City Court of Baton Rouge to \$35,000.

HB 429 by Chandler *(Last Action – Sent to Governor)*

Adds digital court reporting to the eligible methods of court reporting, and provides for qualifications and certification process for electronic court reporters.

HB 801 by Lambert *(Last Action – House Committee)*

Would have decreased the term of office of a supreme court judge from 10 to six years for a judge sworn into office on and after January 1, 2012.

CLERKS OF COURT

HB 1060 by Richmond *(Last Action – Sent to Governor)*

Streamlines the fees the clerks of district courts charge in criminal matters by consolidating the fees charged, which in some cases is an increase, and also eliminates approximately 29 individual fees.

HOMELAND SECURITY

SB 162 by Adley *(Last Action – Act No. 163)*

Additionally prohibits price gouging during a declared state of emergency regarding the sale, or offer for sale, of gasoline or diesel fuel to a consumer from any facility other than a service

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station, convenience store, or other similar facility, including sales in which such gasoline or diesel fuel is sold by any person from any container irrespective of type, form, or volume.

HB 1205 by Harrison *(Last Action – House Committee)*

Would have required verification of citizenship for any person applying for public assistance, employment, in-state tuition benefits, or upon arrest. Would also have created the crimes of moving, transporting, attempting to transport, harboring, concealing, or sheltering an illegal alien.

JUSTICES OF THE PEACE

HB 690 by Monica *(Last Action – House Committee)*

HB 786 by Mills *(Last Action – House Committee)*

HB 1378 by Billiot *(Last Action – House Committee)*

HCR 237 by Lorusso *(Last Action – Filed with the Secretary of State)*

These three bills would have expanded the territorial jurisdiction in limited specified matters from their individual justice of the peace districts to parishwide jurisdiction. No bill expanding justice of the peace jurisdiction passed the Judiciary Committee of the House of Representatives.

House Concurrent Resolution No. 237 requests the Judicial Council to include justices of the peace in its study on the necessity of certain judgeships.

LABOR AND INDUSTRIAL RELATIONS

WORKERS' COMPENSATION

HB 365 by LeBas *(Last Action – House Committee)*

Would have increased the number of members of the Workers' Compensation Advisory Council from seventeen to eighteen. The additional member would have been a representative of the Louisiana Pharmacy Association.

HB 873 by P. Smith *(Last Action – Act No. 288)*

Provides for an increase in criminal penalties for employers who fail to secure workers' compensation coverage for their employees and those who willfully misrepresent that compensation has been provided. Also requires that all fines collected be deposited into the Office of Workers' Compensation Administrative Fund.

HB 1097 by Henry *(Last Action – House Calendar)*

Would have required employees who have been hired or are regularly employed in Louisiana to be subject to workers' compensation benefits under Louisiana law if they sustain a work-related injury caused by or arising out of and in the course of their employment outside of Louisiana. Additionally, in the case of the employee's death, he or his dependents would have been entitled to compensation according to the laws of Louisiana.

LABOR/EMPLOYMENT

HB 673 by Norton *(Last Action – House Committee)*

HB 832 by Richmond *(Last Action – House Committee)*

Would have created the Equal Pay for Women Act. Would have made it unlawful for an employer to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work.

HB 1079 by Ponti *(Last Action – Senate Committee)*

Would have defined a "bonus" as any additional sum of money paid by an employer over and above and in addition to wages or salary required to be paid. Would have required that when a bonus payment is in dispute, the employee shall first file a written statement indicating the basis of the complaint with the employer. If the complaint is not resolved within 90 days from receipt by the employer then the employee could file an action in district court to recover attorney fees, court costs and judicial interest.

Labor and Industrial Relations

SUNSET

SB 105 by Riser (*Last Action – Act No. 119*)

Re-creates the Louisiana Workforce Commission with a new termination date of July 1, 2015.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 560 by Pope *(Last Action – Sent to Governor)*

SB 278 by Erdey *(Last Action – Act No. 437)*

Authorizes parishes and municipalities seeking to enforce a privilege or lien as a tax against immovable property to send the attested bill of costs and expenses which constitutes the privilege or lien to the tax assessor of the parish in which the property is located as an alternative to sending such bill to the director of administration.

HB 618 by Pearson *(Last Action – Act No. 261)*

Requires the sheriff to withhold the tax revenues of tax recipient bodies who fail, within 90 days of receiving a bill, to reimburse the parish governing authority for expenses paid for certain parish officials. Further requires the sheriff to remit such monies to the parish governing authority within 15 days.

HB 670 by Henry *(Last Action – Act No. 98)*

Authorizes parishes that are governed by a home rule charter, have a population in excess of 400,000, and are authorized by law or by charter to create a local ethics entity to grant certain investigative powers and privileges to such an entity.

HB 849 by Roy *(Last Action – Senate Calendar)*

SB 296 by Martiny *(Last Action – Act No. 440)*

Authorizes a municipal tax collector to employ private counsel or an agency to assist in the collection of delinquent ad valorem taxes, interest, and penalties, and authorizes the charging of an additional fee, in the amount of 10% of the taxes, interest, and penalties due, to be paid by the taxpayer. The provisions do not apply to any ad valorem tax matter involving correctness or legality challenges.

HB 858 by Gallot *(Last Action – Act No. 391)*

Requires the governing authority of a municipality, prior to the adoption of an ordinance to create a district, to receive the written consent of the governing authority of a parish if the boundaries of the district being proposed by the municipality include any portion of the unincorporated territory of the parish. Additionally requires the governing authority of a parish, prior to the adoption of an ordinance to create a district, to receive the written consent of the governing authority of a municipality if the boundaries of the district being proposed by the parish include any territory located within the corporate limits of the municipality.

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HB 941 by Mills *(Last Action – Sent to Governor)*

Authorizes the governing authority of a parish or a municipality to purchase, install, maintain, or replace culverts within its jurisdiction, even if such action would have a direct benefit to a private landowner. Requires the governing authority to determine such action to be in the best interest of the public. Authorizes the governing authority to adopt ordinances regulating such action relative to culverts. Requires any private landowner who wishes to have a culvert installed on his property to reimburse the governing authority for all costs.

HB 1002 by Barrow *(Last Action – Act No. 52)*

Relative to special legislative charter municipalities, provides that any such municipality shall be governed by the Lawrason Act if the provisions of the charter are silent on a particular matter. If a conflict exists between the provisions of the special legislative charter and the Lawrason Act, then the provisions of the special legislative charter shall govern.

TAXING DISTRICTS

HB 438 by Pearson *(Last Action – Sent to Governor)*

Relative to hospital service districts, provides relative to investments of foundations created by such districts and also provides relative to board membership of the boards of the two areas of the hospital service district in Orleans Parish.

Investments: Authorizes a foundation created by a hospital service district governing body for the purpose of providing financial support of the district's facilities and programs to invest as provided by law for investment by the Louisiana State Employees' Retirement System (LASERS). Investment must be made in compliance with rules and regulations of the foundation's governing board, rules and regulations of the district's board, and laws governing LASERS investments. Limits such investment authority to "funds of the foundation" which is defined to exclude funds donated or provided to the foundation by the hospital service district or any of its facilities or programs. "Funds of the foundation" includes money or other things of value donated to the foundation to support the facilities, programs, and activities of the hospital service district. Present law applicable to such foundations limits investments to specified obligations, including various U.S. bonds, obligations, and instruments, certificates and accounts of specified financial institutions, certain mutual or trust fund investments, certain guaranteed investment contracts, investment grade (A-1/P-1) commercial paper of domestic U.S. corporations, BIDCOs as authorized by law, and bonds, debentures, notes, or other evidence of indebtedness issued by the state of La. or any of its political subdivisions, all subject to certain limitations. Proposed law relative to LASERS investments makes the prudent-man rule applicable and requires investment with the care, skill, and diligence under the circumstances prevailing that a prudent institutional investor acting in a like capacity and familiar with such matters would

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use. Further specifies that this standard is to be applied as part of an overall investment strategy and requires an asset allocation study and implementation plan, incorporating risk and return objectives reasonably suitable to that trust. Authorizes LASERS to invest up to 65% of the total portfolio in equities, but requires LASERS to invest an amount equal to at least 10% of the system's total equity portfolio in one or more index funds which seek to replicate the performance of the chosen index or indices. Permits divestiture of indexed funds under certain circumstances and otherwise provides relative to divestiture. Defines "equity" as ownership of a corporation represented by shares that are publicly traded on a recognized exchange, including the National Association of Securities Dealers Automated Quotation.

Parish Hospital Service District for the parish of Orleans: Relative to the boards of commissioners of the two areas of the Parish Hospital Service District for the parish of Orleans, present law provides that each board be comprised of 13 members: seven appointed by the parish chief executive officer subject to parish governing authority approval to serve staggered six-year terms; a consumer member to serve a six-year term; and five specified ex officio members to serve during their terms in their respective offices. Proposed law removes provision requiring parish governing authority approval of appointments of seven of the board members. Also provides that board members (except the five ex officio members) shall serve at the pleasure of the parish chief executive officer. (Note: the district's boundaries are coterminous with the parish boundaries but it is divided into two areas, each governed by a board of commissioners. The two areas are: (a) Orleans Parish east of the Industrial Canal and (b) all of Orleans Parish except the geographical areas east of the Industrial Canal and the area of Orleans Parish bounded by Earhart Blvd., Carrollton Ave., Loyola Ave., and Iberville St.)

SB 141 by Hebert *(Last Action – Act No. 536)*

Authorizes public entities utilizing tax increment financing (TIF) to enter into a joint venture or cooperative endeavor with one or more other public entities utilizing TIF to utilize all or a portion of the tax increments generated within their TIF areas in order to jointly finance or refinance one or more economic development projects located within their TIF areas.

SB 611 by Dorsey *(Last Action – Sent to Governor)*

Creates the River Park Development District in the city of Baton Rouge as a political subdivision of the state. Provides for the boundaries of the district. Provides that the district's purpose is to provide for cooperative economic and community development among the district, the city-parish, the state, and the owners of the property in the district in order to assist in the redevelopment of the property within the district.

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FIRE AND POLICE

HB 1297 by White *(Last Action – Sent to Governor)*

Relative to municipal fire and police civil service boards, provides that members appointed from fire and police departments shall not be required to be residents or qualified voters of the area in which they are elected to serve or residents of the parish in which the area is located, if so permitted by a resolution of the local governing authority.

HB 1363 by Kleckley *(Last Action – Sent to Governor)*

Authorizes the governing authority to create, by ordinance, the classified competitive position of a deputy police chief. Provides that the right of selection, appointment, supervision, and discharge for the position shall be vested in the chief of police. Requires the governing authority to provide for the duties and responsibilities of the deputy police chief in the ordinance creating the position. Provides that the deputy police chief may have direct supervision over all positions in the classified service below the rank of chief of police.

HOUSING

HB 955 by Leger *(Last Action – Sent to Governor)*

Relative to the New Orleans Redevelopment Authority, authorizes the authority to levy ad valorem and sales and use taxes and to create one or more subdistricts to assist in the implementation of a redevelopment plan. Authorizes any such subdistrict to implement tax increment financing and additionally authorizes the authority to purchase property at a sale conducted pursuant to enforcement of judicial mortgages.

HB 1454 by P. Smith *(Last Action – House Committee)*

Creates the Housing and Transportation Planning and Coordinating Commission within the division of administration to provide for the coordination and integration of planning and spending by the state, DOTD, local governments, redevelopment authorities, and housing authorities, so that multiple modes of transportation and housing development might be planned and executed so as to provide planned, rational growth, more fully integrated and livable communities, and effective spending of public funds for the betterment of life for Louisiana citizens.

SB 747 by Jackson *(Last Action – Sent to Governor)*

Provides that Road Home applicants whose claims were denied because of unresolved succession or inheritance issues shall be awarded a Road Home grant, together with a

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covenant restriction filed against the property to reserve the rights of the state, for any claims arising in favor of the state against the applicant subsequent to the awarding of the grant.

HYDROELECTRICITY

HB 277 by S. Jones *(Last Action – Sent to Governor)*

Creates the St. Mary Hydroelectric Authority as a political subdivision of the state, to be comprised of all the territory in St. Mary Parish lying within the watershed of the Wax Lake Outlet and the Atchafalaya River and their tributaries. Provides that the district is domiciled in St. Mary Parish and governed by a board of 11 commissioners. Authorizes the district to provide for the use and regulation of such waters, to provide for equitable distribution of the waters for potential uses, to provide for use of the waters for commercial and industrial enterprises, and to provide for the development, production, and distribution of hydroelectric power.

SEWERAGE AND WATER BOARDS

HB 389 by Leger *(Last Action – Sent to Governor)*

Changes the membership of the Sewerage and Water Board of New Orleans by removing provisions that require members of the New Orleans city council and one district council member to serve on the board. Instead provides that three members of the council shall serve on the board, one of whom is required to be an at-large member. HB No. 389 shall take effect and become operative on Jan. 1 following an election where a majority of the voters of the city approve an amendment to the home rule charter of the city to change the composition of the board to provide the identical composition of the board as contained in HB No. 389.

DEPT. OF CULTURE, RECREATION AND TOURISM

HB 527 by Jones, S. *(Last Action – Sent to Governor)*

Establishes the La. Historic Cemetery Preservation Program within the Dept. of Culture, Recreation and Tourism, office of cultural development to provide for the adequate protection of historic cemeteries that are not under the jurisdiction of the La. Cemetery Board, are not on state lands, and are not solely comprised of unmarked graves. Creates the La. Historic Cemetery Trust Fund in the state treasury and an advisory board for such fund.

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HB 809 by Tucker *(Last Action – Senate Committee)*

SB 558 by Walsworth *(Last Action – Act No. 550)*

Creates the La. Bicentennial Commission within the Dept. of Culture, Recreation and Tourism for the purpose of commemorating the anniversary of La.'s attainment of statehood. Provides that the commission shall be composed of 12 members. Provides for the powers and duties of the commission including encouraging private organizations and local governments to participate, serving as a clearinghouse for information about bicentennial events and plans, and cooperating and coordinating with any similar commission throughout the U.S. The commission shall terminate on December 31, 2012.

HB 1287 by Lorusso *(Last Action – Sent to Governor)*

Creates the Battle of New Orleans Bicentennial Commission in the Dept. of Culture, Recreation and Tourism to organize and coordinate local and statewide observances, events, and activities to commemorate the 200th anniversary of the Battle of New Orleans.

NATURAL RESOURCES AND ENVIRONMENT

WATER RESOURCES

HB 1486 by Morris *(Last Action – Sent to Governor)*

Authorizes a person or entity to enter into a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state authorized by law to enter such agreements or with the secretary of the Dept. of Natural Resources.

Requires that such agreements shall be in writing, for fair market value, in the public interest, on an uniform form prescribed by the State Mineral and Energy Board, and approved by the attorney general and the secretary of the Dept. of Natural Resources.

Requires the secretary to evaluate such agreements that each is in the public interest and ensure the agreement is based on best management practices and sound science and consistent with the constitutional requirement of balancing environmental and ecological impacts with economic and social benefits.

COMMERCIAL FISHING

HB 545 by Baldone *(Last Action – Sent to Governor)*

Provides that the speckled trout commercial season opens Jan. 2 each year and remains open until the quota is reached. Prohibits commercial taking of speckled trout west of the Mermentau River.

Suspends until mid-August, 2011, the requirement for payment of oyster lease rentals.

SHRIMP

HB 875 by Harrison *(Last Action – Sent to Governor)*

Establishes a Shrimp Task Force in the Dept. of Wildlife and Fisheries. Charges the task force with responsibility to coordinate efforts to increase production and marketability; study the decline in shrimp marketability; assist in the development of a shrimp inspection program and branding program; and make recommendations to the Wildlife and Fisheries Commission and state departments and agencies for implementation of policies intended to enhance the domestic shrimp industry.

Natural Resources and Environment

HB 890 by Harrison (*Last Action – Act No. 294*)

Authorizes the Dept. of Wildlife and Fisheries to establish a quality certification program for La. wild fish and wild seafood products, including wild-caught shrimp, which are taken, harvested, or landed in La.

HB 1346 by Dove (*Last Action – Act No. 315*)

Provides funding for the quality certification program for La. wild fish and wild seafood products.

DEEPWATER HORIZON

HCR 214 by Dove (*Last Action – Filed with Secretary of State*)

Urges Secretary of the Interior, Ken Salazar, to reconsider the six-month moratorium on oil and gas exploration in the Gulf of Mexico and to amend that directive to minimize the negative economic impact of such directive on the already damaged economies of the state of Louisiana and the other oil and gas producing states along the Gulf of Mexico.

RETIREMENT

BENEFIT STRUCTURE REFORM

HB 1337 by Robideaux *(Last Action – Sent to Governor)*

Relative to the four state retirement systems: Louisiana State Employees' Retirement System (LASERS), Teachers' Retirement System of Louisiana (TRSL), Louisiana School Employees' Retirement System (LSERS), and the State Police Retirement System (LSPRS), restructures the benefit provisions of the systems. Closes the myriad of different plans among the systems and provides for just two structures: non-hazardous duty and hazardous duty. Establishes uniform benefit provisions with respect to accrual rate, employee contribution rate, final average compensation, retirement eligibility, and disability and survivors' benefits. HB No. 1337 applies only to new hires employed on or after January 1, 2011, and it is estimated to save \$65 million annually once the new plans under HB No. 1337 mature.

HBs 930 and 931 by Tucker *(Last Action – House Committee)*

Would have established a defined contribution plan for new hires of the four state retirement systems. Present law generally provides for a defined benefit plan for members of state retirement systems, whereby a certain determinable benefit is provided upon retirement which is typically calculated using the following method: [(years of service) x (accrual rate, typically 2.5% to 3%)] x final average compensation. Proposed law generally would have provided for fixed employer and employee contributions, 10%, and 5.25% of payroll respectively, and that the benefit received by a retiree was determined by total contributions and returns on the investment of contributions. HB No. 931 was a constitutional amendment which would have permitted the legislature to establish a defined contribution plan and HB No. 930 was the companion legislation which provided for the implementation and the structure of the new plan.

HB 1461 by Pearson *(Last Action – Act No. 318)*

Relative to LSERS, makes changes to provisions relating to employee contributions, benefit calculation, and retirement eligibility. This bill reduces the benefit structure of LSERS for new hires (those hired on or after July 1, 2010). The bill increases the employee contribution rate from 7.5% to 8%. Furthermore, the bill changes eligibility requirements **from**: (1) age 60 with 10 years of service; (2) age 55 with 25 years of service; (3) any age with 30 years of service; (4) and any age with 20 years of service subject to an actuarial reduction; **to** age 60 with 10 years of service.

Retirement

REHIRED RETIREES

HB 519 by Cortez (*Last Action – Sent to Governor*)

Relative to TRSL, restricts application of the "two-check" law (whereby a retired member may receive a retirement benefit during reemployment after a 12-month waiting period) to certain "rehired teachers" including classroom teachers in critical shortage subject areas, and certain speech therapists, audiologists, and speech pathologists in shortage areas. Provides that any retiree reemployed on or before June 30, 2010, may continue to receive benefits as provided by prior law. HB No. 519 is estimated to save roughly \$108 million after 5 years.

FORFEITURE / GARNISHMENT OF BENEFITS

SB 13 by B. Gautreaux (*Last Action – Sent to Governor*)

Relative to Louisiana public retirement systems, allows garnishment of retirement benefits of an elected official or public employee to pay fines or restitution, or any costs of incarceration, probation, or parole, imposed for a felony offense associated with the elected official's or public employee's office. Applies prospectively to felonies committed on or after July 1, 2010.

HBs 69 and 73 by Ligi (*Last Action – House Committee*)

Relative to Louisiana public retirement systems, would have provided for the forfeiture of the employer-funded portion of a public employee's retirement benefits upon conviction of certain office-related felonies. Would have applied only to persons hired after the effective date of proposed law. HB No. 69 was the constitutional amendment which would have permitted the legislature to provide for such forfeiture and HB No. 73 was the accompanying legislation.

DEFERRED RETIREMENT OPTION PLAN (DROP)

SB 602 by B. Gautreaux (*Last Action – House Committee*)

Relative to LASERS, TRSL, and LSERS, would have prohibited DROP participation for members hired after July 1, 2010.

SYSTEM FUNDING

HB 748 by Pearson *(Last Action – Sent to Governor)*

Requires LASERS employers to pay individualized normal cost payments and individualized Unfunded Accrued Liability payments depending on which plans within the system its employees are enrolled in. Currently, employers participating in sub-plans with less generous benefits are subsidizing the cost of sub-plans with richer benefits. Each employer would be required to pay its own share of benefit costs related to its employees. Thus, the cost for employers of rank and file employees is likely to decrease and the cost for employers of members in special plans with more generous benefits will likely increase.

COST-OF-LIVING ADJUSTMENTS/PERMANENT BENEFIT INCREASES

SB 632 by B. Gautreaux *(Last Action – Senate Committee)*

Relative to state retirement systems, would have restructured the method for granting Cost-of-Living Adjustments (COLAs) or Permanent Benefit Increases (PBIs) by providing retirees with a two percent PBI each odd-numbered year beginning Jan. 1, 2017, and would have required active employees and future employees to pay an increased employee contribution rate in order to fund their PBIs.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

TRAFFIC

SB 9 by Gautreaux, B. *(Last Action – Act No. 203)*

Provides that texting while driving is a primary offense for which all drivers may be ticketed.

Provides that using a hand held cell phone while driving is a primary offense for which drivers 17 years of age and younger may be ticketed.

NON-TRADITIONAL VEHICLES

HB 140 by Little *(Last Action – Sent to Governor)*

Authorizes a "mini-truck" to operate upon a highway where the posted speed limit is 55 miles per hour or less, except interstate or controlled access highways or multi-lane divided highways with partial or no control of access.

Requires all mini-trucks operated on a highway to be equipped with certain equipment, to have an off-road decal issued by the office of motor vehicles and to carry liability insurance.

Requires the driver of a mini-truck operated on a highway to have a driver's license.

SB 48 by Hebert *(Last Action – Sent to Governor)*

Authorizes a "mini-truck" to operate upon a highway where the posted speed limit is 55 miles per hour or less, except interstate or controlled access highways or multi-lane divided highways with partial or no control of access.

Requires all mini-trucks operated on a highway to be equipped with certain equipment, to have an off-road decal issued by the office of motor vehicles and to carry liability insurance.

Requires the driver of a mini-truck operated on a highway to have a driver's license.

Transportation, Highways and Public Works

DRIVER'S LICENSE

SB 407 by McPherson *(Last Action – Act No. 319)*

Removed discretionary authorization of the Department of Public Safety and Corrections to charge a record check fee to applicants for Class "D" chauffeur's licenses or Class "E" personal vehicle driver's licenses. Retroactive to on and after March 8, 2010.

Provides that record check fees paid by applicants for Class "D" chauffeur's licenses or Class "E" personal vehicle driver's license to the department on and after March 8, 2010, shall be refunded to such applicants no later than September 1, 2010.

HB 1339 by Downs *(Last Action – Sent to Governor)*

Provides that no first time applicant for a Class "E" driver's license shall be received from any person 17 years of age or older unless there is also submitted with the application a signed statement to the Department of Public Safety and Corrections attesting that the applicant has completed a minimum of fifty hours of supervised driving practice, fifteen of those hours occurring at night, with a licensed parent, guardian, or adult at least 21 years of age or older.

Allows the Class "E" learner's license to be converted to a Class "E" intermediate license upon the applicant being at least 16 years of age and meeting certain conditions.

DWI

HB 1231 by Perry *(Last Action – Act No. 403)*

Provides for the suspension of a driver's license of a person convicted of third degree feticide resulting from operating a motor vehicle under the influence of alcohol or drugs, or both.

HB 1236 by Leger *(Last Action – Sent to Governor)*

Requires the Department of Public Safety and Corrections to suspend the driver's license of persons who prematurely disable an ignition interlock device installed as a condition of reinstated driving privileges. Would provide that the suspension shall last until the driver provides proof that the ignition interlock has been reinstalled and applicable reinstatement fees have been paid. Would provide that upon reinstatement of driving privileges following suspension pursuant to proposed law , the driver will receive credit only for the time period when the ignition interlock device was installed and functioning.

Transportation, Highways and Public Works ---

HB 1240 by Perry (*Last Action – Act No. 405*)

Provides that the office of motor vehicles shall place a restriction code on the reinstated driver's license of a person required to have an ignition interlock device installed and maintained on his vehicle as a condition of reinstatement.

HB 1274 by Monica (*Last Action – Act No. 409*)

Provides that upon conviction of a second offense vehicular negligent injuring or DWI, a person's driver's license shall be suspended for two years with the opportunity for a restricted license upon completion of forty-five days of the suspension period and upon equipping his motor vehicle with a functioning ignition interlock device.

HB 1165 by Arnold (*Last Action - Sent to Governor*)

Establishes a special prestige motor vehicle license plate honoring the 2009 World Champion New Orleans Saints. Requires that the first 300 plates shall be reserved for purchase at the direction of the New Orleans Saints.

Requires that the annual royalty fee of twenty-five dollars shall be collected by the department and deposited into the state treasury and used solely to pay debt service on state debt issued to fund improvements to the LA Superdome.

HB 1479 by Monica (*Last Action – Senate Committee*)

Would have required every trailer registered in Louisiana up to a loaded gross weight capacity of up to ten thousand pounds to be attached to a moving vehicle with a safety device, rather than safety chains, approved by the Department of Public Safety and Corrections. Would have exempted trailers not in motion on a public road or highway and used solely for farm purposes. Would have required any trailer sold or manufactured in the state of Louisiana after January 1, 2012, to have a safety device approved by the Department of Public Safety and Corrections.

MOTOR VEHICLE INSPECTIONS

HB 724 by Mills (*Last Action – House Committee*)

Would have redistributed \$10 motor vehicle inspection fee whereby the station operator would have received \$8, rather than \$4.75, and state entities would have received \$2, rather than \$5.25.

Transportation, Highways and Public Works

HB 1470 by Jackson, M. *(Last Action – Sent to Governor)*

Provides that an additional \$7 maybe charged for each inspection in the nonattainment area if the following occurs:

- (1) The parish governing authority adopts a resolution or ordinance authorizing the proposition of charging the fee authorized by proposed law on the October 2, 2010, or November 2, 2010, ballot.
- (2) The majority of qualified elected voters approve the fee.

Excludes the parishes of Ascension and Livingston from proposed law.

Provides that if the voters in a parish approve the additional fee, all vehicles registered in that particular parish must have their vehicle inspected in the parish of registration. Provides that station operators that violate this provision of proposed law shall lose their inspection permit. Provides that, except in East Baton Rouge Parish, if the voters in a parish approve the additional fee, the monies collected shall be transferred to the parish the funds were collected in and used for mass transit purposes. Provides that if in East Baton Rouge Parish the voters approve the additional fee, fifty percent of funds collected shall be transferred to the Capital Area Transit System and used as operating revenue or income to be used in the distribution calculation for mass transit funds from the Parish Transportation Fund and fifty percent shall be transferred to the governing authority of East Baton Rouge Parish to improve and develop mass transit systems. Provides that funds collected and transferred to the governing authority of East Baton Rouge Parish and the Capital Area Transit System shall not displace, replace or supplant funding currently expended for the Capital Area Transit System.

PROPERTY/PUBLIC

SB 772 by Morrell *(Last Action - Vote on Conference Committee Report Pending/House)*

Would have created the New Orleans Lakefront Airport Authority as a political subdivision within the Department of Transportation and Development and allow the authority exercise its authority through a board of commissioners. Provided that, on and after 1/1/2011, the management, control, and maintenance of the New Orleans Lakefront Airport would be transferred to the board of commissioners of the New Orleans Lakefront Airport Authority.

Would have required the state, through the division of administration, to continue the routine management, control, and maintenance of all properties and facilities of the New Orleans Lakefront Airport until that responsibility was transferred to the authority.

Transportation, Highways and Public Works _____

Would have required the Orleans Levee District to use best efforts to settle or compromise, on reasonable commercial terms and prior to transfer to the authority, any litigation currently pending against the District.

SB 804 by Morrell *(Last Action - Sent to Governor)*

Provides that on January 1, 2011, the Non-Flood Protection Asset Management Authority shall be substituted for the division of administration with full power and control of any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority.

Provides that from January 1, 2011, to January 1, 2012, the authority shall be placed within the Department of Transportation and Development and provides that the authority is not eligible to receive or expend money from the Transportation Trust Fund.

Creates a board of commissioners of the Non-Flood Protection Asset Management Authority to exercise the duties, functions, powers, and responsibilities of the authority that shall operate from January 1, 2011, to January 1, 2012.

Requires that on January 1, 2012, the authority shall be created as a political subdivision and removes its placement within the Department of Transportation and Development and retains prohibition that authority is not eligible to receive or expend money from the Transportation Trust Fund.

Provides that effective January 1, 2012, the board of commissioners of the Non-Flood Protection Asset Management Authority is to be composed of the same number of members appointed by the same organizations or officials and in the same manner subject to Senate confirmation as the original board with exceptions.

RAILROADS

HB 1410 by M. Jackson *(Last Action - Sent to Governor)*

Creates the "La. Intrastate Rail Compact Act" and authorizes any parish or municipality or a combination of parishes and municipalities to form a quasi-governmental entity called a "compact" to construct and operate "transit way facilities" along a transit corridor within the state, defined as any fixed guide way facility involving the use of rail or dedicated transit lines.

Authorizes parish or municipality may form or join a compact formed by another parish or municipality with the approval of the governing authority of such parish and parish president, or the governing authority of the municipality.

Transportation, Highways and Public Works

Requires termination of the compact upon repayment of all debt, the deposit of funds in trust for such purpose or the final resolution of any disputes or litigation pending, whichever item is last.

Requires a determination by the commission that a private railroad crossing unreasonably burdens or substantially interferes with rail transportation before closure of the crossing is allowed. Exempts consensual or negotiated written agreements to close a private railroad crossing between a private landowner and railroad company.

TRAFFIC/VIOLATIONS

HB 160 by Arnold *(Last Action – House Committee)*

Would have prohibited local municipal authorities or local parish authorities from using, authorizing, enforcing the use of, or installing automated traffic enforcement system to enforce traffic laws.

Would have prohibited local municipal authorities or local parish authorities from imposing or collecting any civil or criminal fine, fee, or penalty as a result from an image produced by an automated traffic enforcement system.

Would have required local municipal authority or local parish authority currently using automated traffic enforcement systems to discontinue such use by January 1, 2011.

TRANSPORTATION DEPARTMENT

HB 636 by Gisclair *(Last Action – Sent to Governor)*

Exempts, from the payment of tolls, certain vehicles in the performance of official duties as follows:

- (1) Grand Isle Emergency Vehicle Services (ambulances).
- (2) Grand Isle Independent Levee District.
- (3) Town of Grand Isle official vehicles and a medical transportation van.
- (4) Grand Isle Port Commission official, logo-bearing vehicles.
- (5) Persons permanent residence located at or south of the Juncture of La. Hwy. 1 and La. Hwy. 3030 or off of La. Hwy. 1 east of the juncture of La. Hwy. 1 and La. Hwy. 3090.

Provides that the exemption be granted only when entities under proposed law are being utilized in the performance of their official duties.

Transportation, Highways and Public Works _____

Requires Department of Transportation and Development to promulgate rules and regulations for the efficient implementation and enforcement of the provisions of proposed law.

WAYS AND MEANS

CAPITAL OUTLAY

HB 2 by Greene *(Last Action - Enrolled)*

HB 3 by Greene *(Last Action – Sent to the Governor)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year improvement program.

HB 1251 by Connick *(Last Action – Sent to the Governor)*

Requires reporting on capital outlay projects which have been in the state capital outlay system for 8 or more years and have a residual fund balance. Reports shall be provided to the Joint Legislative Committee on Capital Outlay and shall be submitted by the office of facility planning and control as well as any other agency which is authorized to administer its own capital outlay projects.

LOCAL SALES AND USE TAX

SB 567 by Morrish *(Last Action - Enrolled)*

Grants authority for the governing authority of any parish, school board, municipality, or other local taxing authority to authorize the tax exemption for commercial fishermen which, under current law, applies to *state sales and use taxes* to also apply to local taxes. The local governing authority may authorize this exemption either by ordinance or resolution.

Further authorizes local taxing authorities to refund any tax paid prior to the adoption of such ordinance or resolution on transactions to be exempted by local taxing authorities.

HB 1404 by Mills *(Last Action – House Floor)*

Would have changed, from permissive to mandatory, the local sales and use tax exemption on prescription drugs administered to a patient in a physicians's office where patients are not regularly kept as bed patients for more than 24 hours.

Ways and Means

AD VALOREM TAX

SB 21 by Murray *(Last Action - Enrolled)*

HB 325 by Stiaes *(Last Action - Finally passed Senate/Concurrence in Amendments Pending)*

SB 20 by Murray *(Last Action - Enrolled)*

HB 595 by Stiaes *(Last Action - Finally passed Senate/Concurrence in Amendments Pending)*

Proposed constitutional amendment and companion legislation that authorizes the extension of the homestead exemption and special assessment level for homes damaged or destroyed as a result of a disaster for up to two years by filing an annual affidavit of intent to return and reoccupy the homestead with the assessor within the parish where the homestead is located and only if the homeowner's damage claim to repair or rebuild the homestead is filed and pending in a formal appeal process with any federal, state, or local government agency or program offering grants or assistance for repairing or rebuilding damaged or destroyed homes as a result of the disaster, or if a damage claim is filed and pending against the insurer of the property. The assessor shall require the homeowner to provide official documentation from the government agency or program evidencing the homeowner's participation in the formal appeal process or evidence showing the homeowner's damage claim is filed and pending against the insurer of the property.

After expiration of the two-year extension set forth above, an assessor is authorized to grant up to three additional one-year extensions of the homestead exemption or special assessment level on a case-by-case basis if the homeowner has made a good faith attempt to secure a contractor or builder to complete the needed repairs or reconstruction of the home, but is unable to complete the project due to uncontrollable contractor or builder delays. Requires the homeowner to provide to the assessor documentation evidencing good faith in attempting to secure a contractor or builder to complete the project.

HB 246 by Pope *(Last Action - Enrolled)*

Proposed constitutional amendment that exempts from ad valorem tax \$150,000 of the value of property receiving the homestead exemption which is owned and occupied by a veteran with a service-connected disability rating of 100%. Further requires that the exemption shall only extend and apply if established through an election called by the local governing authority and approved by a majority of the registered voters in an election held for that purpose.

Proposed constitutional amendment further provides that the decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the exemption shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in

the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment.

TOBACCO TAX

HCR 216 by Robideaux *(Last Action - Adopted)*

Suspends from 12:01 a.m. Aug. 10, 2010, through 11:59 p.m. on Aug. 13, 2010, the imposition of the state excise tax collected on cigars and smoking tobacco when a dealer gives away cigars or smoking tobacco for advertising or any other purpose whatsoever.

TAX REBATES

SB 624 by Marionneaux *(Last Action – Enrolled)*

Establishes the Louisiana Mega-Project Energy Assistance Rebate Program to provide rebates to operators of mega-projects for which, as determined by the secretary of the Department of Economic Development, the consumption of energy will be a major cost component of operations and the moderation of such costs will be a major factor in inducing the project to locate, expand, or remain in Louisiana. The amount of the rebate shall be limited to the amount of severance taxes that have been paid to the state on the natural gas consumed or used directly in the operation of the mega-project facility. The secretary of the Department of Revenue is authorized to require reports from certain businesses associated with the provision of natural gas to the mega-project facility. Information from these reports will be used by the secretary to estimate the amount of natural gas consumed by the project as well as the amount of severance taxes which have been paid to the state on that natural gas.

SB 500 by Marionneaux *(Last Action – Vote on Conference Committee Report Pending/House)*

Would have established the Angel Investor Tax Rebate Program to encourage third party investors in early-stage businesses. Investments eligible for qualification in the program must have been entirely "at risk" and the repayment of the investment dependent on the success of the early-stage business. The amount of rebates was to be limited to \$5 million per year.

DEPARTMENT OF REVENUE

HB 1019 by Greene *(Last Action – Senate Committee)*

Would have established the Louisiana Debt Recovery Program whereby the Department of Revenue would serve as the primary debt collection agency for the state for the collection of delinquent debts on behalf of state agencies. Would have permitted political subdivisions to participate in the program at their discretion. Would have authorized the charging of a fee

Ways and Means

to be paid by the debtor in the amount of 25% of the amount due, which fee would be retained by the Department of Revenue as payment for the debt collection service.

HB 2 – Capital Outlay

Capital Outlay Specialist: Ashley Albritton (342-8623)

HB 2 - CAPITAL OUTLAY	
MEANS OF FINANCING	AMOUNT
STATE GENERAL FUND (DIRECT)	\$0
FEDERAL FUNDS (excluding FEDERAL-TTF)	\$31,395,221
FEDERAL FUNDS – TTF (FEDERAL HIGHWAY FUNDS)	\$617,200,000
TRANSPORTATION TRUST FUND (TTF) - REGULAR	\$152,145,975
STATE GENERAL FUND (NON-RECURRING REVENUES)	\$2,000,000
REAPPROPRIATED TTF-REGULAR	\$6,000,000
INTER-AGENCY TRANSFER	\$54,177,455
MISC STATUTORY DEDICATIONS	\$54,673,164
FEES & SELF GENERATED CASH	\$27,263,000
REAPPROPRIATED CASH	\$32,483,128
SUB-TOTAL CASH	\$977,337,943
REVENUE BONDS	\$1,215,923,400
SUB-TOTAL CASH & REV BONDS	\$2,193,261,343
GENERAL OBLIGATION BONDS	
PRIORITY 1	\$1,553,335,000
PRIORITY 2	\$153,129,000
PRIORITY 3	\$0
PRIORITY 4	\$0
SUB-TOTAL PRIORITIES 1-4	\$1,706,464,000
PRIORITY 5	\$794,693,000
SUB-TOT GEN OBLIG BONDS	\$2,501,157,000
BND\$ NRP(Reallocated bond proceeds)	\$21,974,374
TOTAL OF H.B. 2	\$4,716,392,717
Cash Line of Credit/Bond Sale Limit	\$1,706,475,000
Cash Line of Credit/Bond Sale commitment for Pr.1 projects	(\$1,553,335,000)
Cash Line of Credit/Bond Sale amount avail for Pr.2	\$153,140,000